

ENVIRONMENTAL PROTECTION AGENCY  
SUPERFUND SITE

---

IN THE MATTER OF:

JOHNNIE WILLIAMS,  
AMERICAN DRUM & INC.

---

COPY

THE DEPOSITION OF JOHNNIE WILLIAMS

AUGUST 24, 2010

3

The deposition of JOHNNIE WILLIAMS, taken on behalf of the Environmental Protection Agency, pursuant to Subpoena, on August 24, 2010, beginning at approximately 9:10 a.m. in the law offices of Parrish & Shaw, 775 Ridge Lake Boulevard, Suit 145, Memphis, TN.

This deposition is taken in accordance with the terms and provisions of the Federal Rules of Civil Procedure.

The signature of the witness is not waived.

\* \* \*

APPEARANCES

For the Witness:

MR. LARRY E. PARRISH  
Attorney at Law  
775 Ridge Lake Boulevard  
Suite 145  
Memphis, Tennessee 38120  
901.766.4388

For the Environmental Protection Agency:

MR. DAVID HARBIN  
Attorney at Law  
Assistant Regional Counsel  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SEIMB  
Atlanta Georgia 30303-8960  
404.562.8868

Also Present:

MR. STEVE SPURLIN  
MS. BRENTA RICHARDSON

Reported by:

MS. MONNA J. MCCORMICK, RPR, CLR, CRR

Exhibit D

INDEX

<u>NAME:</u>	<u>JOHNNIE WILLIAMS</u>	<u>PAGE NUMBER:</u>
EXAMINATION BY MR. HARBIN:		9
EXAMINATION BY MR. PARRISH:		145
EXAMINATION BY MR. HARBIN:		187

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NUMBER:</u>
1	Response to the Tennessee Department of Environment & Conservation information request by American Drum & Pallet, Inc.	71
2	Information request from the Tennessee Department of Environment & Conservation dated April 5th, 2007	73
3	Letter dated August 17, 2010	104
4	Photograph	109

REQUESTED INFORMATION

1.	Current address of these employees	32
2.	Names and address of drum hustlers	39
3.	A glue company over in North Memphis.	78
4.	Records	90
5.	Person Dorothy called Williams called	94
6.	Name of Memphis plant	103
7.	Contact person for Rich Foods	106
8.	Did drums from Leonard's Recycling contain residue	110
9.	Name of airport	117
10.	Confirm Flying Tiger name	120

7

JOHNNIE WILLIAMS,  
having been first duly sworn, was examined  
and testified as follows:

MR. HARBIN: This will be the deposition of Mr. Johnnie Williams. EPA is taking this deposition pursuant to the authority of Section 122(e)(3) of the Comprehensive Environmental Response Compensation and Liability Act, commonly known as Superfund or CERCLA, C-E-R-C-L-A.

Again, the statute cite is 42 U.S. Code Section 9622(e)(3). Mr. Williams was duly subpoenaed to appear here and testify. The subpoena was issued by EPA pursuant to its authority under CERCLA.

The purpose of this deposition is to obtain information from Mr. Williams as related to the American Drum & Pallet Company Superfund site located in Memphis, Tennessee.

My name is David Harbin. I'm an attorney with the United States Environmental Protection Agency, Region 4, in Atlanta, Georgia. With me today is Brenita Richardson. Brenita is the enforcement

INDEX (Continued)REQUESTED INFORMATION

11.	Information on Asplundh	128
12.	Shelter Insurance policy	136
13.	Name of concrete company	141
14.	Total revenue your company took in 2006	158

8

project manager for American Drum & Pallet Company, Superfund site. Brenita is also with the U.S. EPA, Region 4.

Also with me is Steve Spurlin who is the on-scene coordinator with EPA Region 4. Brenita, Steve and I will be asking Mr. Williams questions this morning.

Mr. Williams, the reason we requested your presence here today is because we believe that you have information and knowledge pertaining to the American Drum & Pallet Company Superfund site in Memphis, Tennessee, the operations at that site and about companies and individuals who are involved with that site, including customers and clients of the American Drum & Pallet site.

This deposition is being conducted solely under our civil authority to investigate and clean up contaminated sites. And I would like to note for the record that you are here present with your counsel, Mr. Larry Parrish, and I understand that Mr. Parrish may be her the whole deposition

Exhibit D

1 or may step out from time to time.

2 MR. PARRISH: I might step out  
3 from time to time or I might be here for the  
4 full deposition. I will reserve the right to  
5 do either, but probably will be here for the  
6 whole -- I would like to make a statement  
7 before questions are asked of Mr. Williams.

8 MR. HARBIN: Very good. And,  
9 Mr. Parrish, if you do step out from time to  
10 time, you and your client consent to us  
11 proceeding with the deposition and asking  
12 Mr. Williams questions?

13 MR. PARRISH: At the time I step  
14 out, we will clarify that. There may be  
15 occasions when I need to step out and I'd ask  
16 you to give me an opportunity to come back  
17 for a few minutes.

18 MR. HARBIN: Absolutely.

19 MR. PARRISH: But we'll clarify  
20 that on the record each time I step out, if I  
21 step out.

22 MR. HARBIN: Absolutely.

23 EXAMINATION

24 BY MR. HARBIN:

1 Q. Mr. Williams, during the deposition,  
2 if any of my questions are unclear,  
3 confusing, don't hesitate to stop me, ask for  
4 clarification. I'll be happy to clarify or  
5 you can consult with Mr. Parrish, your  
6 attorney. Don't hesitate to do that.

7 If you need to take a break at any  
8 time, if you want to speak off the record,  
9 that is not with the court reporter, just let  
10 me know and we will go off the record.

11 You will be entitled to see and  
12 review the deposition transcript before -- a  
13 couple of weeks after the court reporter has  
14 transcribed this deposition. The only  
15 corrections you will be able to make will be  
16 limited to typographical errors or  
17 misunderstandings.

18 If you realize that you remembered  
19 something differently than when you were  
20 sitting here today, that does not qualify as  
21 a correction. Please call me, tell me, but  
22 we can't change today's testimony otherwise.

23 Now, do you have any questions before  
24 we begin the questioning phase of the

11

1 deposition, Mr. Williams?

2 A. No questions.

3 MR. PARRISH: I would say for  
4 Mr. Williams, we do reserve the right to read  
5 and sign and to execute an errata sheet.

6 MR. HARBIN: Absolutely.  
7 Absolutely.

8 And for the record, we were supposed  
9 to review records yesterday here in  
10 Mr. Parrish's office. We were unable to do  
11 that. And to review the records, we went out  
12 to the American Drum & Pallet Company site.

13 We did spend the day out there  
14 reviewing the records of the company.  
15 Mr. Williams was there. We had the consent  
16 of Mr. Parrish to be out at that site without  
17 Mr. Parrish's presence and wanted to make it  
18 clear that we were out there under our civil  
19 investigation authority.

20 Mr. Parrish, would you like to make a  
21 statement? And -- I'm sorry. And we did  
22 make a tape-recording of Mr. Parrish talking  
23 to Mr. Williams, getting Mr. Williams'  
24 consent to review those records at American

1 Drum & Pallet Company site without  
2 Mr. Parrish yesterday.

3 MR. PARRISH: And I will affirm  
4 that that's a true statement. We are  
5 transcribing the tape-recording, and I've  
6 informed Mr. Harbin that we will provide him  
7 a transcription of that tape-recording and  
8 that tape-recording will accurately reflect  
9 our conversation with Mr. Williams.

10 Mr. Harbin assured me yesterday that  
11 there is a Chinese wall between the civil  
12 division and the criminal division and that  
13 this is a civil matter only.

14 And Mr. Williams, though he was  
15 subpoenaed, as you said earlier, we agreed to  
16 come without a subpoena. He's not here under  
17 compulsion of a subpoena.

18 The subpoena was served, but we  
19 agreed to come before then and would have  
20 been here with or without the subpoena, and  
21 Mr. Williams is here to cooperate. There is  
22 nothing that he intends to withhold.

23 And I think, as I spoke with him this  
24 morning, he affirmed to me that he did that

12

Exhibit D

1 yesterday at his site; he told you-all to  
2 look and see whatever you wanted to see and  
3 that he was as helpful as he could be to you,  
4 and he will continue to do that.

5 And that will be true if you need to  
6 follow up after today, we're available. And  
7 I will probably stay here for the deposition,  
8 and if not, Mr. Williams has given me consent  
9 after full advice this morning. And,  
10 Mr. Williams, I do have your permission to  
11 leave.

12 THE WITNESS: Oh, yeah.

13 MR. PARRISH: And you will  
14 continue to answer questions whether I'm here  
15 or not, if I choose to leave?

16 THE WITNESS: Yeah.

17 MR. PARRISH: All right. Thank  
18 you.

19 MR. HARBIN: Thank you,

20 Mr. Parrish.

21 BY MR. HARBIN:

22 Q. Would you please state your name?

23 A. Johnnie J. Williams.

24 Q. And your home address, Mr. Williams?

1 A. 1863 South Wellington.

2 Q. And your telephone number?

3 A. Work number or home number?

4 Q. Both, as a matter of fact.

5 A. Work number, 948-1576. Home number,  
6 774-4456. Both area code 901.

7 Q. And would you state your educational  
8 background, Mr. Williams?

9 A. High school and a year of Coahoma  
10 Junior College.

11 Q. And where did you go to junior  
12 college?

13 A. Clarksdale, Mississippi.

14 Q. Who is your present employer?

15 A. American Drum & Pallet. That's what  
16 you talking about?

17 Q. Yes, sir. Are you self-employed?

18 A. I'm self-employed, yeah.

19 Q. You're self-employed?

20 A. Uh-huh.

21 Q. And do you have -- under your  
22 self-employment, is that under your name,  
23 Johnnie Williams?

24 A. Well, American Drum and Inc.

15

1 Q. So you're employed by American Drum  
2 and Inc.?

3 A. Uh-huh.

4 Q. And you're also self-employed?

5 A. Uh-huh.

6 Q. What is your current title with  
7 American Drum and Inc.?

8 A. Vice president and sales manager.

9 Q. And do you have a title under your  
10 self-employment?

11 A. That's it.

12 Q. So we're combining the two,  
13 self-employment and American Drum & Pallet,  
14 Inc.?

15 A. Uh-huh.

16 Q. We'll just -- for the sake of this  
17 deposition, we'll just call it American  
18 Drum & Pallet, Inc.

19 A. Okay.

20 Q. What is your responsibilities with  
21 American Drum & Pallet, Inc.?

22 A. Mostly out selling, out selling.

23 Q. And what do you sell?

24 A. Drum, pallet.

16

1 Q. Are they new, are they used, are they  
2 reconditioned?

3 A. Reconditioned.

4 Q. Reconditioned? How long have you  
5 been employed with American Drum & Pallet,  
6 Inc.?

7 A. Ever since 2'03.

8 Q. Has your title always been the same,  
9 vice president and sales?

10 A. As far as I know.

11 Q. Since 2003?

12 A. Uh-huh.

13 Q. And have your responsibilities always  
14 been the same since 2003?

15 A. Yes.

16 Q. Mr. Williams, we're talking about two  
17 separate companies. I understand that there  
18 is a company American Drum & Pallet Company,  
19 Inc. -- American Drum & Pallet Company, Inc.?

20 A. That's the same.

21 Q. As American Drum & Pallet, Inc.?

22 A. Uh-huh.

23 Q. One was incorporated in Tennessee,  
24 American Drum & Pallet Company, Inc.

Exhibit D



1 A. Uh-huh.  
 2 Q. That was incorporated in Tennessee,  
 3 correct?  
 4 A. Well, as far as I know. I didn't do  
 5 the paperwork. Somebody else did the  
 6 paperwork. As far as I know, it was. I  
 7 think incorporated in Tennessee. It probably  
 8 then went to -- what other place, some other  
 9 place out of town. Delaware, I believe. I'm  
 10 not for sure.  
 11 Q. And that was American Drum & Pallet,  
 12 Inc. --  
 13 A. Uh-huh.  
 14 Q. -- was incorporated in Delaware?  
 15 A. In Delaware, uh-huh.  
 16 Q. And so we have American Drum & Pallet  
 17 Company, Inc. that was incorporated in  
 18 Tennessee?  
 19 A. Uh-huh.  
 20 Q. And then we have American Drum &  
 21 Pallet, Inc. that was incorporated in  
 22 Delaware?  
 23 A. Yeah. I think American Drum, Inc.  
 24 probably then went to Delaware. I had an

1 attorney, Paul Springer, did it. And he was  
 2 the -- so, yeah.  
 3 Q. Under both of those companies, were  
 4 your -- was your title the same?  
 5 A. Yeah. As far as I know, uh-huh.  
 6 Q. And were your responsibilities the  
 7 same?  
 8 A. The same.  
 9 Q. As you identified previously?  
 10 A. Right, uh-huh.  
 11 Q. Let's talk about American Drum &  
 12 Pallet Company, Inc., the Tennessee  
 13 corporation, the first corporation.  
 14 A. Okay.  
 15 Q. Who were the corporate officers of  
 16 that company?  
 17 A. Me, my son and my daughter.  
 18 Q. And who are they? Who is your son?  
 19 A. Michael Williams and Angela Williams.  
 20 Q. And Michael Williams -- you -- what  
 21 was your role? What was your title as  
 22 corporate officer?  
 23 A. Sales and vice president.  
 24 Q. And who -- what was Mr. Williams'

19

1 title?  
 2 A. My son's title was --  
 3 Q. Michael Williams.  
 4 A. Michael Williams' title was driving a  
 5 truck and worked in the plant.  
 6 Q. Under corporate -- the normal  
 7 corporate structure is president, vice  
 8 president and treasurer.  
 9 A. Uh-huh.  
 10 Q. Do you remember who was the president  
 11 of American Drum & Pallet Company, Inc.?  
 12 A. Michael Williams was.  
 13 Q. And Angela Williams?  
 14 A. She was a whole officer, officer,  
 15 like secretary.  
 16 Q. Was she the treasurer?  
 17 A. No. Michael was the treasurer and I  
 18 was the treasurer -- assistant treasurer.  
 19 Q. Who were the shareholders of American  
 20 Drum & Pallet Company, Inc.?  
 21 A. I have to look at the papers. Now,  
 22 Gray come in, did the paperwork, G. Gray. He  
 23 did most of our paperwork.  
 24 Q. What was his name again?

20

1 A. G. Gray. I think you met him  
 2 yesterday.  
 3 Q. G. Gray?  
 4 A. Uh-huh, Glover Gray.  
 5 Q. And Mr. Gray would know the  
 6 shareholders of American Drum & Pallet  
 7 Company, Inc.?  
 8 A. Yeah, uh-huh.  
 9 MR. PARRISH: For the record, if  
 10 you don't understand, it might be better just  
 11 to interrupt and get -- I don't understand a  
 12 lot of what he says myself, and so don't  
 13 hesitate, it's your deposition.  
 14 MR. HARBIN: Absolutely.  
 15 MR. PARRISH: But I would say  
 16 it's better to get that cleared up now than  
 17 later.  
 18 (An off-the-record discussion  
 19 was held.)  
 20 BY MR. HARBIN:  
 21 Q. And I think I am getting this  
 22 correctly, but you were employed also with  
 23 American Drum & Pallet, Inc.?  
 24 A. Yes, sir.

**Exhibit D**

1 Q. And when did you first become  
2 employed with American Drum & Pallet, Inc.?  
3 A. I believe 2'03.  
4 Q. And your title and responsibility  
5 were --  
6 A. Remained the same.  
7 Q. -- the same --  
8 A. Right.  
9 Q. -- as under American Drum & Pallet  
10 Company, Inc.?  
11 A. Uh-huh.  
12 Q. That's correct?  
13 A. Yes, sir.  
14 Q. Who were the corporate officers of  
15 American Drum & Pallet, Inc., the Delaware  
16 corporation?  
17 A. Michael and Glover Gray and my  
18 daughter.  
19 Q. And what position did Glover Gray --  
20 A. He's the comptroller and did all the  
21 paperwork.  
22 Q. And, again, the shareholders of  
23 American Drum & Pallet, Inc., the Delaware  
24 corporation, can you identify them?

23

1 A. I think so. I was gone at the time,  
2 but I think they did.  
3 Q. Did American Drum & Pallet Company,  
4 Inc., the Tennessee corporation, operate a  
5 business at 806 Walnut Street in Memphis,  
6 Tennessee?  
7 A. Yes, sir.  
8 Q. Describe that business.  
9 A. It was the same as the American Drum  
10 and Inc. and it's --  
11 (Reporter clarified.)  
12 A. It's come together, what happened.  
13 The first one we got, we got it -- the  
14 charter through Tennessee, then we changed it  
15 and got it through Delaware.  
16 Q. Yes, sir.  
17 A. The same. Uh-huh.  
18 Q. Describe the business that was --  
19 that American Drum & Pallet Company -- or  
20 that American Pallet and -- I'm getting  
21 confused -- American Drum & Pallet, Inc.  
22 operated at 806 Walnut Street.  
23 A. Drum and pallet, the same.  
24 Q. What do you mean by drum and pallet?

1 A. Myself, Michael and my daughter and  
2 Glover Gray.  
3 Q. Were the shareholders?  
4 A. Shareholders, yes.  
5 Q. Do you know the interest, the  
6 percentage of interest that each of the  
7 shareholders held?  
8 A. No, sir, I don't.  
9 Q. Were you employed with Drums,  
10 Incorporated?  
11 A. No.  
12 Q. Are you familiar with Drums?  
13 A. Yes, sir.  
14 Q. How are you so familiar with Drums,  
15 Incorporated?  
16 A. Because my nephew Roebuck had Drums,  
17 Incorporated.  
18 Q. Say his name again, please.  
19 A. George Stanford Roebuck, like Sears  
20 Roebuck.  
21 Q. Sears Roebuck?  
22 A. Uh-huh.  
23 Q. Did Drums, Incorporated operate at  
24 the 806 Walnut Street facility?

24

1 A. That's what we did. We recycled  
2 drums and pick up and rebuild pallets.  
3 Q. Would you describe the operations?  
4 A. Well, we recycle drums and sell them  
5 and fix up pallets and sell them.  
6 Q. Was it limited to drums? Did it  
7 include tanks and other kinds of containers?  
8 A. Yeah, uh-huh.  
9 Q. Would you --  
10 A. Tote tank, T-O-T-E, tote tank. They  
11 call it -- a lot of them call it big drum.  
12 Q. What kind of containers did you  
13 clean?  
14 A. Fifty-five-gallon drum.  
15 Q. Was it strictly to just 55-gallon  
16 drums or were that other containers?  
17 A. And tote tank.  
18 Q. Were there smaller containers that  
19 you cleaned?  
20 A. Thirty-gallon drums.  
21 Q. Were those metal or plastic?  
22 A. Both.  
23 Q. Could you identify the dates that  
24 American Drum & Pallet, Inc. operated at the

Exhibit D

1 location?

2 A. No, I can't. I could get it for you.

3 I can't remember what that is.

4 Q. What were your hours of operations?

5 A. From 8:00 to 4:00, 4:30.

6 Q. How many employees did American

7 Drum & Pallet, Inc. have?

8 A. We mostly was season. We did mostly

9 contract, contract work. But whenever we get

10 audited, we bring somebody in, sometimes we

11 work eight hours, sometimes work four hours,

12 six hours, sometimes work 10 to 12 hours to

13 get the orders out.

14 Q. And how many employees would you

15 have?

16 A. Say six, seven, something like that.

17 Q. And you describe that as seasonal --

18 A. Uh-huh.

19 Q. -- or when you would get a contract?

20 A. Right. Get an order, we called it an

21 order.

22 Q. Would you describe what you mean by

23 seasonal?

24 A. Season meaning, like, this time

27

1 described, seasonally --

2 A. Uh-huh.

3 Q. -- during June, July and August,

4 during the agricultural season?

5 A. Mostly, mostly.

6 Q. Were there any other seasons?

7 A. I can't remember. You know, it goes

8 all the time, but most of the people, when it

9 beautiful out -- you know.

10 Q. And you mentioned contracts as well.

11 What did you mean by contracts?

12 A. Well, what I mean, when somebody else

13 get a contract, see, I was -- we just was a

14 small drum operator. They mostly give a

15 contract to the other big -- like Memphis

16 Drum, Tennessee Container, and they only call

17 us when they couldn't fulfill what they want

18 and we did.

19 Q. So who would call you?

20 A. A company like Farrell Calhoun or

21 Dixie Chemical or something like that.

22 Q. Would Memphis Container call you?

23 A. We dealt with Memphis Container.

24 They run the big, big outfit. They real big.

1 during the -- anywhere between June, July,

2 August, September when most farmers and

3 things -- you know, people weighs stuff like

4 corn, bean, cotton. That's the season.

5 Q. Say that again, Mr. Williams. What

6 do you mean by seasonal?

7 A. Seasonal mean anywhere from July to

8 September when agriculture like corn and

9 beans, cotton, whatever, people -- you know.

10 Q. And how did that relate to your

11 container-cleaning business?

12 A. I don't know. But that's when most

13 of the people ordered the drums, during the

14 season. They don't order too much in the

15 wintertime.

16 Q. So you operated on a business where

17 drums were ordered?

18 A. Uh-huh.

19 Q. And they would call you?

20 A. Call you -- call me, yeah.

21 Q. And order cleaned or reconditioned

22 drums?

23 A. Right, uh-huh.

24 Q. And that happened mostly, as you

28

1 Q. And what do you mean by we dealt with

2 them?

3 A. Well, they may call and say they

4 short a drum and I had the drum. They would

5 get them. We do the same thing with them.

6 Q. And you mentioned another drum

7 container company.

8 A. Tennessee Container.

9 Q. Did you deal with them the same way?

10 A. Same way.

11 Q. And they would call you?

12 A. Uh-huh. And we'd pick up drums from

13 Greif Brother, but Greif Brother closed down,

14 though. I'm saying they don't -- came back

15 in town, bought Memphis Drum out now. They

16 came back through about a year or two ago,

17 bought Memphis Drum. They was one of the

18 biggest in the world.

19 Q. Now, would they supply you with the

20 drum or would you supply them with the drum?

21 A. Well, you know, when you in business,

22 you swap out. They may have something I need

23 and I may have something they need.

24 Q. Would you explain that a little

Exhibit D

1 further, Mr. Williams?  
 2 A. Okay. Greif Brother may need 200  
 3 30-gallon drums. He may not have -- may not  
 4 have but 150, and he may call me because I  
 5 have 50 30-gallon, and I tell him yeah.  
 6 That's how business swaps out here.  
 7 Q. These container companies, did they  
 8 ever supply you with drums to be cleaned?  
 9 A. No.  
 10 Q. And for American Drum & Pallet  
 11 Company, Inc., the Tennessee corporation, was  
 12 the business the same as American Drum &  
 13 Pallet, Inc.?  
 14 A. Same.  
 15 Q. The very same operations?  
 16 A. Same operation.  
 17 Q. It operated at the same location?  
 18 A. Yes, sir.  
 19 Q. And it operated the same hours --  
 20 A. Mostly.  
 21 Q. -- of operation?  
 22 A. Mostly, yes, sir.  
 23 Q. Was there a difference in hours that  
 24 American Drum & Pallet Company, Inc. and

31

1 A. Mostly truck driver.  
 2 Q. Has he been with you a long time?  
 3 A. Long time.  
 4 Q. Mr. Wilkerson and Mr. Smith, about  
 5 how long have they been with you?  
 6 A. Well, Wilkerson with me -- I guess we  
 7 been together about 20 years.  
 8 Q. About 20 years?  
 9 A. Uh-huh. Leroy Smith with me about  
 10 eight.  
 11 Q. Can you name any other employees  
 12 that's been with you?  
 13 A. Yeah. Charles Wilkerson. Got that,  
 14 Charles Wilkerson? Dorothy Williamson,  
 15 Dorothy Williamson.  
 16 Q. And how about Mr. Charles Wilkerson,  
 17 what does he do?  
 18 A. He was operating a machine.  
 19 Q. And Ms. Delores?  
 20 A. Same, operating machine, load truck  
 21 and load maintenance, you know, maintenance  
 22 stuff, yeah.  
 23 Q. Are there any other employees that  
 24 have been with you a while?

1 American Drum & Pallet, Inc. operated?  
 2 A. I can't remember.  
 3 Q. Were the employees the same?  
 4 A. Yes, sir.  
 5 Q. And were the number of employees the  
 6 same?  
 7 A. Vary. May vary, may use four or five  
 8 this day and seven, eight the next day, you  
 9 know, depending on how the order come in.  
 10 Q. Do you have a list of those  
 11 employees?  
 12 A. I could get them for you.  
 13 Q. Who were your main employees for both  
 14 companies?  
 15 A. James Wilkerson.  
 16 Q. And who is he?  
 17 A. He's one of the supervisors, did most  
 18 everything at the plant that needed to be  
 19 done on the inside.  
 20 Q. And how long did he work?  
 21 A. Oh, he's been there a long time.  
 22 Q. Can you name other employees?  
 23 A. Leroy Smith.  
 24 Q. And what was his title?

32

1 A. You know, I mean, all of them is in  
 2 and out. Sylvester Wilkerson, Sammy Flake.  
 3 Q. What did those two gentlemen do?  
 4 A. Same. Manual work, mostly manual,  
 5 you know.  
 6 Q. Do you know the current address and  
 7 telephone number or at least the current  
 8 address of these employees?  
 9 A. I could get it.  
 10 Q. Are you familiar with American  
 11 Plastic Regrind Company?  
 12 A. No.  
 13 Q. Were you affiliated or connected in  
 14 any way with any other businesses that was  
 15 located at 806 Walnut Street?  
 16 A. No. I don't remember, no.  
 17 Q. So the only two companies that you  
 18 were affiliated with at 806 Walnut Street is  
 19 American Drum & Pallet Company, Inc. --  
 20 A. Uh-huh.  
 21 Q. -- and American Drum & Pallet, Inc.?  
 22 A. Uh-huh.  
 23 Q. Were you at the 806 Walnut Street  
 24 facility on a day-to-day basis?

Exhibit D

1 A. Mostly.

2 Q. And describe that. What do you mean,

3 mostly?

4 A. Well, I come in in the morning,

5 mostly. Then I hit highway --

6 (Reporter clarified.)

7 A. I go out in the street, try to sell

8 drums.

9 Q. We've gone over this, Mr. Williams,

10 but I want to go over this one more time.

11 Who is Michael Williams?

12 A. My son.

13 Q. And what was his involvement with the

14 two companies?

15 A. He was the president.

16 Q. He was involved with Drums,

17 Incorporated?

18 A. He may have been because I was gone

19 when Drums, Incorporated was going.

20 Q. To your knowledge, was he involved

21 with any other companies that operated at 806

22 Walnut Street?

23 A. To my knowledge, he had a T-shirt

24 company there. He did T-shirts. And that's

35

1 Q. What's his rank?

2 A. I don't -- he out now. He was there

3 eight year.

4 Q. But he's no longer with the Army?

5 A. No, uh-uh. He retired -- or he

6 didn't retire, but, you know, resigned,

7 whatever.

8 Q. Who is Angela Williams?

9 A. My daughter.

10 Q. And her involvement with the two

11 companies?

12 A. Yeah, she was a secretary.

13 Q. Was she involved with Drums,

14 Incorporated?

15 A. As far I know, I don't know.

16 Q. Was she involved with any other

17 companies that operated at 806 Walnut Street?

18 A. I don't think so.

19 Q. Is she still involved with American

20 Drum?

21 A. No. No.

22 Q. When did her involvement cease?

23 A. Same time my son, about 2'05, 2'06.

24 She was in -- she work at Internal Revenue

1 the only one I know.

2 Q. Is he currently involved?

3 A. No. No, he is not there.

4 Q. When did his involvement cease?

5 A. About 2'05, 2'06.

6 Q. 2005, 2006?

7 A. Uh-huh.

8 Q. Is there a reason why his involvement

9 ceased?

10 A. No. He HAZ/MAT at FedEx.

11 (Reporter clarified.)

12 A. He's HAZ/MAT. He works at FedEx. He

13 HAZ/MAT out there now, another job.

14 Q. Say that again, Mr. Williams.

15 A. He does HAZ/MAT work at FedEx.

16 MR. PARRISH: Hazardous?

17 THE WITNESS: No. HAZ/MAT. He

18 HAZ/MAT.

19 BY MR. HARBIN:

20 Q. HAZ/MAT work at FedEx?

21 A. Uh-huh. He's a military guy.

22 Q. What part of the military was he

23 involved or is he involved with?

24 A. Army.

36

1 now. She got a good job with them.

2 (Reporter clarified.)

3 A. She with Internal Revenue, IRS. She

4 got a good job with them.

5 Q. We've been talking about two

6 companies, Mr. Williams, American Drum &

7 Pallet Company, Inc. --

8 A. Uh-huh.

9 Q. -- and American Drum & Pallet, Inc.

10 A. Uh-huh.

11 Q. From this point on, when I say

12 American Drum & Pallet, I'll be speaking of

13 both American Drum & Pallet Company, Inc. and

14 American Drum & Pallet, Inc.; do you

15 understand? Is that okay?

16 A. Yes, sir. Yes.

17 Q. And also the phrase 806 Walnut Street

18 includes 0 Heiskell Place. I understand that

19 806 -- there's two parcels to the American

20 Drum & Pallet facility. One is 806 Walnut

21 Street and one is 0 Heiskell Place; is that

22 correct?

23 A. Yes, sir. That's what it say on tax

24 title, yes, sir.

**Exhibit D**

1 Q. So when I talk about 806 Walnut  
2 Street, I also mean to include the O Heiskell  
3 Place parcel as well.  
4 A. Yes, sir.  
5 Q. Do you understand?  
6 A. Yes, sir.  
7 Q. We've gone over this. But, again,  
8 please list the scope of services provided by  
9 the American Drum Company at 806 Walnut  
10 Street facility.  
11 A. Recycle drum and recycle pallets.  
12 Q. Are they wood pallets?  
13 A. Yes, sir. And plastic, wood and  
14 plastic.  
15 Q. Are they a standard size?  
16 A. Different size.  
17 Q. What is the -- your range of service  
18 for the American Drum at the 806 facility?  
19 How far out did your operation go?  
20 A. We sell them to mostly Mississippi,  
21 Tennessee, Arkansas. That's most of the  
22 range.  
23 Q. Did you have any beyond Mississippi,  
24 Arkansas and Tennessee?

39

1 there approved by the state and the city.  
2 Q. Hold on just a second, Mr. Williams.  
3 Could you identify the drum who you would  
4 say -- drum hustler, who were those?  
5 A. Like Mike, usually call them by first  
6 name. Mike, Jack, Jack Steper, Mike. And  
7 there are several other people. They would  
8 bring a drum in that I could sell, a pallet,  
9 sold the drum to me, sold the Memphis Drum to  
10 Tennessee Container, sold them to any drum  
11 company.  
12 Q. Can you get their address and their  
13 telephone numbers?  
14 A. Yes, I think I can.  
15 Q. And that was Mike and Jack?  
16 A. Uh-huh.  
17 Q. Do you remember any others?  
18 A. Not precisely because Jack and Mike  
19 was the drum hustlers, but you had different  
20 occasion people bring drum by and they'll  
21 sell them, you know.  
22 Q. Continue on. We were at bringing the  
23 drums in.  
24 A. Okay. Yeah, bring them in. We stack

1 A. We had some companies that would come  
2 in, even from Atlanta, Georgia, some  
3 environment people come in and buy drums, you  
4 know, need drums. They may come in from Ohio  
5 and need 10, 15 drums.  
6 Q. You said you reconditioned drums and  
7 pallets. Mr. Williams, I'd like for you to  
8 take me from start to finish, if you would,  
9 on the cleaning process of a drum that was  
10 used by American Drum at the 806 Walnut  
11 Street facility.  
12 A. Okay.  
13 Q. And that is loading in, cleaning,  
14 drying, drum removal, can you take me from  
15 start to finish?  
16 A. Yes, sir. Okay. We pick up drums  
17 and a lot of times people drop drums off,  
18 like drum hustler. People like hustle pallet  
19 and paper and so on, you've got drum hustler,  
20 too.  
21 Q. Did you say drum hustler?  
22 A. Yeah. They pick up drum, they bring  
23 them there and my guys unload them. And what  
24 we do, we clean them, we have the facility

40

1 them up, and then what we do, we clean them.  
2 After we clean them --  
3 Q. Did you have an acceptance program  
4 for the drums? How did you accept a drum?  
5 A. Well, what we do, we just have to  
6 make sure that nothing is in them, that they  
7 are clean, the weight, that they had to be  
8 clean when they come in.  
9 Q. And what do you mean by clean?  
10 A. Well, they can't have no -- what you  
11 call that -- nothing in them, you know. It  
12 has to be a clean drum.  
13 Q. And who was responsible for accepting  
14 the drums?  
15 A. James Wilkerson.  
16 Q. Would they contain a residue in them?  
17 A. No. They shouldn't have. I don't  
18 ever watch all of them.  
19 Q. Were they inspected for salvage, for  
20 resale, for damage?  
21 A. I'm sure they were, yes, sir. I'm  
22 sure they were.  
23 Q. And who was responsible for that?  
24 A. James Wilkerson

Exhibit D

1 Q. Do you know where these drums came  
2 from?  
3 A. Some of them we did, some of them we  
4 didn't.  
5 Q. And who brought the ones that you  
6 didn't know where they came from?  
7 A. Mostly hustlers.  
8 Q. And that was who you turned -- you  
9 say Mike?  
10 A. And Jack, uh-huh.  
11 Q. And you will be able to get me their  
12 names and addresses?  
13 A. Yes, sir.  
14 Q. And telephone numbers?  
15 A. Uh-huh.  
16 Q. Let's continue on, Mr. Williams.  
17 We're in the cleaning process now.  
18 A. Okay. Then when we clean the drum,  
19 what we'll do, we sand the label off --  
20 (Reporter clarified.)  
21 A. We sand the label off them, whatever,  
22 the label on them, clean them, rough them  
23 down so we can paint them. And once we paint  
24 them, we send them out. Whenever we got an

43

1 A. The process was we had a machine  
2 that -- what we do, put the drum up there and  
3 had to pressure wash, clean them out. Then  
4 we had a -- approved by the City of Memphis  
5 and the state, a permit, cleaning permit, a  
6 sewer permit. We're approved by the state  
7 and the city on how we wash the drum.  
8 Q. And the only material that you used  
9 was a detergent?  
10 A. Yes, cleaning solution that we got  
11 from Jack Flint.  
12 MR. SPURLIN: Mr. Williams, when  
13 we were on-site and also in my discussions  
14 with the city representative from the fire  
15 department, you had a container of gasoline,  
16 I believe, inside your facility.  
17 And I think -- did you use that? I  
18 think you had some rags, and you used maybe  
19 the gasoline and rags in assisting in your  
20 cleaning process.  
21 THE WITNESS: Not cleaning --  
22 yeah. I'm sorry, wiping the drum down. See,  
23 before you paint the drum, you have to wipe  
24 all the exterior off and make sure they were

1 order, we send them out. And, see, we were  
2 so small, we only did something like -- if we  
3 did 50 drums a day, we were good.  
4 We wasn't nothing like Geo Cooper,  
5 because, you know, Geo Cooper went out of  
6 business. They were the largest, along with  
7 Memphis Drum. They did something like 2 or 3  
8 thousand drums a day. We small. We did  
9 mostly manual.  
10 We didn't even have a forklift. We  
11 lift, we manual. We wasn't the jewel of the  
12 drum company. We work. You know, we work.  
13 We wasn't like the big people, you know.  
14 Q. And about how often did you do 50  
15 drums a day?  
16 A. Maybe a couple times a week.  
17 Q. And that was throughout the year?  
18 A. Yes, sir.  
19 Q. What cleaning agents or what cleaning  
20 materials did you use to clean the drums?  
21 A. We use a soap that we got from Jack  
22 Flint. They make the detergent, soap, and we  
23 used that.  
24 Q. And describe the cleaning process.

44

1 clean. Yeah, you wipe the drum down.  
2 MR. SPURLIN: Prep the drum?  
3 THE WITNESS: Uh-huh.  
4 MR. SPURLIN: Okay. Thank you.  
5 BY MR. HARBIN:  
6 Q. And the drums were dried?  
7 A. Uh-huh.  
8 Q. Explain how you went through the  
9 drying process. Where was the drying  
10 process? What was the drying process?  
11 A. Okay. Once you wash the drum -- we  
12 had a soak tank. We soak the drum out dry.  
13 And then what we do, we had a rag and  
14 gasoline, will clean all the grit and stuff  
15 off the drum so the paint would take. We had  
16 a rag, wipe them off, the drum off.  
17 Q. And did you say you had a tank that  
18 you dipped the drum in to rinse it off?  
19 A. No. We had a machine. We put them  
20 on the top of a tank. We had a five-drum --  
21 put up there for the pressure washer to wash  
22 them out. Then they go in the receptor tank.  
23 Q. And what was the receptor tank?  
24 A. The same as I told you the other

Exhibit D



1 approved -- what you call it -- receptor  
 2 tank, what you wash the drum go down in -- it  
 3 was approved by the city. I can't explain  
 4 that.  
 5 Q. Did it contain any materials,  
 6 cleaning agents, anything like that? What  
 7 did it contain?  
 8 A. Just the water and then the soap that  
 9 we used to wash the drum out with.  
 10 Q. What happened to the water in the  
 11 receptor tank?  
 12 A. Go to a filtration system and go back  
 13 in it, in the sewer.  
 14 Q. And what happened to the water that  
 15 you used for the cleaning process?  
 16 A. That's what I say, go to filtration  
 17 system and go back in the sewer. It was  
 18 approved by the city and the state.  
 19 Q. So the cleaning process and the  
 20 receptor, they were all connected together --  
 21 A. Uh-huh.  
 22 Q. -- to the filtration?  
 23 A. To the filtration, yes, sir.  
 24 Q. Was there anything else connected to

47

1 the water out. Then when it get full, we run  
 2 it down to the filtration system, same way  
 3 where the other water goes to.  
 4 Q. So it went to the filtration system  
 5 as well?  
 6 A. Yes, sir.  
 7 Q. And then the containers were painted?  
 8 A. Uh-huh.  
 9 Q. Was there anything in between drying  
 10 and painting?  
 11 A. No more than wipe them off, you know,  
 12 with a rag and gas.  
 13 Q. And that's what Mr. Spurlin was  
 14 talking about?  
 15 A. Yes. Uh-huh.  
 16 Q. Was there any other materials other  
 17 than gasoline used to wipe the drums off?  
 18 A. No. It's mostly gas.  
 19 Q. Mostly gas?  
 20 A. Yes, sir.  
 21 Q. Did you use anything else?  
 22 A. I can't remember nothing else we use.  
 23 That's the only thing we dry -- dry them.  
 24 Q. And then the drums were painted?

1 the filtration system?  
 2 A. No. No.  
 3 Q. And now we're at the drying process.  
 4 A. Uh-huh.  
 5 Q. How did you dry the drum?  
 6 A. Well, I will soak them out in a soak  
 7 tank.  
 8 Q. Say that again, Mr. Williams.  
 9 A. We had a soak tank where, you know,  
 10 like water be on your floor and you get a wet  
 11 mop, soak the water up? We had a soak tank  
 12 that sucks the water out the drum.  
 13 MS. RICHARDSON: Vacuum?  
 14 THE WITNESS: Yeah, vacuum. Wet  
 15 vac, whatever you call it.  
 16 BY MR. HARBIN:  
 17 Q. A vacuum?  
 18 A. Yeah, a wet vac.  
 19 MR. PARRISH: Are you saying  
 20 suck the water?  
 21 THE WITNESS: Suck the water.  
 22 BY MR. HARBIN:  
 23 Q. And where did that water go?  
 24 A. We had a big -- what you call -- suck

48

1 A. Uh-huh.  
 2 Q. And can you explain the painting  
 3 process?  
 4 A. Yeah. We had a paint room, you know,  
 5 to paint them in. And when they paint them,  
 6 they set them there to get dry. And we  
 7 didn't do -- like I said, we didn't too much  
 8 paint. We did mostly plastic. As you see  
 9 the picture, plastic, all you do is clean  
 10 them, wipe them off and that's it.  
 11 Q. And you said you did about maybe 50  
 12 to a hundred a day?  
 13 A. Uh-huh. 50.  
 14 Q. 50 a day. I don't want to put words  
 15 in your mouth. 50 a day?  
 16 A. Uh-huh.  
 17 Q. Were those drums and containers or  
 18 containers or which -- help me understand how  
 19 many drums versus how many containers you did  
 20 a day.  
 21 A. Containers, you mean the tote tank?  
 22 I need you to be very -- because you got  
 23 drum, then you got -- a lot of people call  
 24 them tote tank, big drum. Tote tank is

Exhibit D



1 250-gallon tote tank in the wire -- drum is  
2 55-gallon or 30-gallon drum that's steel or  
3 plastic.

4 Q. Help me understand that -- when we  
5 speak of drums, we're talking about --

6 A. Fifty-five-gallon, 30-gallon drums.

7 Q. And they could either be plastic --

8 A. Or steel.

9 Q. -- or steel?

10 A. Yes, sir. Or cardboard.

11 Q. Or cardboard?

12 A. Uh-huh.

13 Q. Did you clean the cardboard?

14 A. No.

15 Q. But you did clean --

16 A. Plastic and steel.

17 Q. And steel?

18 A. Yeah.

19 Q. And you cleaned the tote tank?

20 A. Tote tank. They plastic and in a  
21 wire cage.

22 Q. And --

23 MR. PARRISH: Wire?

24 THE WITNESS: Wire cage. You

1 see them on -- people haul them down the  
2 street with washing cars and trucks and wire  
3 cages. That's called a tote tank.

4 MR. SPURLIN: Tote tanks are  
5 made out of plastic and they don't, in  
6 themselves, have a lot of structural support,  
7 so you put them in a reinforced wire cage  
8 that will sit on a pallet, and it holds the  
9 poly tank securely when it has liquids in it.

10 BY MR. HARBIN:

11 Q. Okay. Now, how -- and you cleaned  
12 the tote tanks as well?

13 A. Oh, yeah.

14 Q. About how many tote --

15 MR. PARRISH: Can I interrupt?  
16 You heard Mr. Spurlin. Did he accurately --

17 THE WITNESS: He accurately --  
18 yes.

19 MR. PARRISH: Okay. Excuse me.

20 THE WITNESS: He was there. He  
21 knew what it...

22 BY MR. HARBIN:

23 Q. About how many tote tanks did you  
24 clean?

51

1 A. If we do 10 or 15 a day, two to three  
2 days a week, we're good.

3 Q. And that was every week through the  
4 year?

5 A. Not every week. Some weeks.

6 Q. And about how many weeks per year  
7 would you say?

8 A. I would say something like about 40,  
9 45 weeks of the year.

10 Q. And the tote tank was cleaned under  
11 the same method?

12 A. Same method, uh-huh.

13 Q. I want to go over this one more time,  
14 Mr. Williams. Let's describe the items, the  
15 drums, the tanks, that American Drum cleaned  
16 at the 806 Walnut Street facility. Let's  
17 describe the drums one more time.

18 A. Okay. 55-gallon steel drum,  
19 30-gallon steel drum, 55-gallon plastic drum,  
20 30-gallon plastic drum and 250-gallon tote  
21 tank.

22 Q. And the steel drum and plastic drum,  
23 did they have a top to them?

24 A. Open head drum. Tight head, you got

1 a bung -- two-inch bung, two-inch bung.

2 (Reporter clarified.)

3 A. Uh-huh. B-U-N-G, bung. Screw-in.

4 MR. SPURLIN: I think what he's  
5 saying is a bung, a B-U-N-G.

6 THE WITNESS: Yeah.

7 MR. SPURLIN: It's the cap.

8 THE WITNESS: Uh-huh. You screw  
9 it in.

10 MR. SPURLIN: You screw in a cap  
11 to the top of the drum. A bung cap, they  
12 call it; is that correct?

13 THE WITNESS: Uh-huh.

14 MR. SPURLIN: And he's referring  
15 to what can also be termed closed-top and  
16 open-topped drums. A closed top means that  
17 the drum is fixed to the body of the drum and  
18 does not -- and the only part that comes off  
19 for either taking out or putting in materials  
20 is the bung cap.

21 And an open top is where you can take  
22 the whole lid off the drum and they are used  
23 to store different types of materials.

24 THE WITNESS: Right.

52

Exhibit D

1 BY MR. HARBIN:

2 Q. Is that correct, Mr. Williams?

3 A. Yeah.

4 Q. Is that accurate?

5 A. Thank you. That's accurate, yeah.

6 (A recess was taken.)

7 BY MR. HARBIN:

8 Q. Mr. Williams, you took me through the  
9 cleaning process and the painting process.

10 A. Uh-huh.

11 Q. Did you also grind drums?

12 A. Yeah.

13 Q. Containers?

14 A. But we crush them. We sold them to a  
15 grind place in Jackson. See, a lot of drum  
16 that we didn't use -- we couldn't use like  
17 steel and plastic. We sell them to the  
18 grind -- they grind them up. What the name  
19 of that plastic place in Jackson, Tennessee?  
20 I forget the name. We sold a lot of plastic  
21 to them.

22 And what we do, we had a crusher. We  
23 crush drums and sell them to a company like  
24 Martin Brother in Mississippi.

1 Q. And did you crush them at the  
2 facility?

3 A. I helped.

4 Q. I mean, not you, did American Drum  
5 crush the --

6 A. Yeah.

7 Q. You didn't grind them?

8 A. You don't grind steel. You grind  
9 plastic. The plastic drum, we took them away  
10 and sold them to a plastic company that grind  
11 them and sent them over to China or wherever  
12 they sell them.

13 Q. And who did you sell the steel drums  
14 to?

15 A. Martin Brother.

16 Q. Can you think of any other ones?

17 A. Worley. And another company close up  
18 on -- I forget, the big old place. I think  
19 you-all closed them up or whatever. I forget  
20 the name of the company over on -- the big  
21 iron company on Thomas. I forget the name.

22 MR. PARRISH: Pigeon.

23 THE WITNESS: No, not Pigeon.

24 The big scrap yard over on Thomas.

55

1 BY MR. HARBIN:

2 Q. Let's go over those companies again.  
3 You said the first one was --

4 A. Martin Brother.

5 Q. Martin Brothers. And where are they  
6 located?

7 A. In Mississippi, Byhalia. We sold  
8 scrap and drums over to them. Worley  
9 Brothers.

10 Q. And where are they located?

11 MR. PARRISH: Can you spell it?

12 THE WITNESS: I can't spell,  
13 Worley, no. They were out on Florida and  
14 Crump.

15 BY MR. HARBIN:

16 Q. And those were the steel drums?

17 A. Those were steel drums, uh-huh.

18 Q. What did you -- who did you sell the  
19 plastic drums to?

20 A. To a plastic recycler in Jackson,  
21 Tennessee. I forget -- I know where it is.  
22 I don't have that with me.

23 MR. SPURLIN: Mr. Williams,  
24 would that company be Southeastern Recycling?

56

1 THE WITNESS: No. KMI was out  
2 in -- out from Jackson. We sold a lot of  
3 them to them.

4 MR. SPURLIN: You mentioned one  
5 in Greenfield maybe or somewhere in the  
6 Greenfield area.

7 THE WITNESS: In that area.

8 MR. SPURLIN: It's in the site  
9 file.

10 MR. PARRISH: S-I-T-E?

11 MR. SPURLIN: Yes. I'm sorry.

12 BY MR. HARBIN:

13 Q. You mentioned gasoline rags.

14 A. Uh-huh.

15 Q. What did you-all do with the gasoline  
16 rags?

17 A. Put them in the drum.

18 Q. And what did you do with the drum?

19 A. That's what they haul off.

20 Q. What they -- what EPA hauled off --

21 A. Yeah.

22 Q. -- when you spoke to Mr. Spurlin?

23 A. Yeah.

24 MS. RICHARDSON: I want to ask a

Exhibit D

question. Before EPA came in and hauled those off, the rags, what did you do with the rags? What would happen with the rags?

THE WITNESS: They was in drums, most of them -- the EPA hauled -- see, we just started in 2'03. Most of the drum, you had trash and -- you know.

MS. RICHARDSON: So there was no disposal process for those rags with the gasoline on them?

THE WITNESS: No, there wasn't.

MS. RICHARDSON: Okay.

BY MR. HARBIN:

Q. And, Mr. Williams, you mentioned a filtration system.

A. Uh-huh.

Q. Would you describe that filtration system?

A. The filtration system when you -- you got a pump that pump the waterline in and go to a tank, go to a filtration system, catch all of the -- whatever you -- catch all the -- everything, that sludge or whatever it catches and hold it within the tank. Then

the water will go back into the sewer.

Q. And what comprised the filtration system? Describe the filtration system.

A. Big old tank with a filter and stuff in them. Then you got a pump, it go to the pump filtration system, and the water go to the tank. And once it's cleaned, it go back in there.

Q. Let me take this one step at a time. The water from the --

A. Washing the drum.

Q. From washing the drums would go into what?

A. Go to --

Q. Equipment?

A. Go to a tank.

Q. It would go to a tank?

A. Uh-huh. Pump, go to a pump first.

Go to the pump. Then from the pump, then the tank to the filtration system; from the filtration system, back in the sewer.

Q. It would go to a pump?

A. Uh-huh.

Q. And the pump would pump it in --

59

would pump it where?

A. Into a tank.

Q. And what size is the tank?

A. Two hundred seventy-five gallon tank.

Q. And what would happen to the water then, after it was pumped into the tank?

A. It would go to a filtration -- go through the system, then go back in the sewer.

Q. Go through the system?

A. Uh-huh.

Q. What was the system?

A. That's what I say, a tank with the -- to catch all -- whatever it's catching and go back in the sewer.

Q. I'm not understanding. It would go to a tank, a 230 --

A. No. Go to a pump first, then go through the -- to the tank.

Q. And then it would go through the filtration?

A. That is the filtration, the tank.

Q. The tank is filtration?

A. Uh-huh.

60

Q. How would the tank -- how was the tank a filtration system?

A. Well, it catch everything, whatever, you know. If anything in there to catch it, clean it and then go back into the sewer.

Q. How would the tank clean?

A. It had something in it that, you know -- you know, it's hard -- I'm not a mechanic, you know. It was a -- it was approved by the city and state, so I, you know, I have to get you the method, how we would do it.

Q. Who operated the filtration system?

A. It operate itself. Once the guy who washed the drum, it does it itself.

Q. Did it contain chemicals?

A. No, uh-huh. It catch everything that go through there. It will dry whatever it is. When you wash them, that when the water go to the pump, pump it from there, where the washing -- then go to a system, the filtration system. And before it go there, in the sewer, it go to the tank and through the system and go back in the sewer.

Exhibit D

Q. So it would go through a pump?

A. Uh-huh.

Q. Into a tank?

A. They call it filtration system.

Q. Was it just a tank?

A. No. It had some -- some like form or something where they catch all the stuff so the --

MR. SPURLIN: Would it --

MR. HARBIN: Go ahead.

MR. SPURLIN: I was just going to say, would you say that it had a screen?

THE WITNESS: Something like that, something like a screen, yeah.

MR. SPURLIN: To catch solids?

THE WITNESS: Solids, uh-huh.

MR. SPURLIN: Did you have to periodically clean the screen? And if you did, what did you do with the material you cleaned off the screen?

THE WITNESS: Put it in the drum.

MR. SPURLIN: Okay. Thank you.

BY MR. HARBIN:

63

Q. You would take them to them for cleaning?

A. For cleaning, not for us, now. We sell the drum to them.

Q. About how many drums did the filtration -- when you cleaned the screen, about how many drums did you fill with the residue from the screen of the filtration system?

A. I say we maybe clean about one a month, less than that.

Q. I'm not understanding, Mr. Williams.

A. It was one a month.

Q. You cleaned about one a month?

A. No. The filtration -- the one that come off the filtration system screen, one a month.

Q. You filled one a month?

A. One a month, uh-huh.

Q. Of the residue from the screen out of the filtration system --

A. Uh-huh.

Q. -- did you ever make any kind of analysis or determination as to what those

Q. So you would clean the screen?

A. Uh-huh.

Q. And you would put that residue in a drum?

A. In a drum.

Q. What did you do with the drum?

A. That's the one they hauled off. It wasn't many, because we didn't do no work. I tell you now, we didn't do nothing much. Out of a hundred percent of our drum come in, we had something like about 40 percent we sold to other people because we didn't have the method of -- you know, we small.

Q. Say that again. About 40 percent --

A. Will go out to other people like Memphis Drum, Tennessee Container, Geo Cooper before they closed. We sold them to other people. They was using the drum. We didn't have to -- we didn't have the order.

Q. Would you clean those drums?

A. No, uh-huh. They clean them. We sell them to them, they clean them.

Q. They would come to your facility?

A. Or we take them to them.

64

materials were that you put into that drum?

A. Yeah, we got the -- we had a lab to test all that before, uh-huh.

Q. And who did that testing?

A. We got it in the file somewhere. I'll get it for you, though, L and -- some lab company. A&L Lab, I believe.

Q. How often did you do the testing?

A. They did -- A&L Lab did testing about once every three months, 90 days.

Q. And would you say the name of the company again?

A. I'm not for sure, now. Let me give the truth. I think A&L Lab. But I could get it for you, though.

Q. L&L?

A. A&L.

Q. A&L --

A. Uh-huh.

Q. -- Lab. And you would have them come out and they would test --

A. Uh-huh.

Q. -- what was in that drum?

A. Right.

Exhibit D

1 Q. About once --  
 2 A. Every 90 days.  
 3 Q. Every 90 days.  
 4 A. Uh-huh.  
 5 Q. And when did that company start?  
 6 A. I wouldn't know. I have to find out.  
 7 Q. Did you -- did A&L Lab start when  
 8 American Drum started operating at that  
 9 facility?  
 10 A. Yeah, uh-huh.  
 11 Q. So you employed A&L Lab in  
 12 approximately 2003?  
 13 A. 2004. Before we started cleaning  
 14 drums, we would haul them in, sell them to  
 15 other drum broker, like the other company.  
 16 We transfer and sell them to another company.  
 17 Q. Did those drums go through the  
 18 acceptance program, the ones that you brought  
 19 in and sold to other companies?  
 20 A. What you mean, acceptance?  
 21 Q. Were they -- did you look at them to  
 22 see if they were empty?  
 23 A. Yes, sir.  
 24 Q. Did they contain anything?

67

1 drum with nothing in them. Now, we had a  
 2 company --  
 3 Q. Go slow, Mr. Williams. Say that  
 4 again, please.  
 5 A. They knew that we -- we told them not  
 6 to accept nothing with nothing in them; all  
 7 the drum have to be clean. But we had a  
 8 couple company that bring some drums and drop  
 9 them off. And they from down -- from  
 10 Mississippi, and I put them in a truck and  
 11 asked the company come back, pick up the  
 12 drum, and nobody came back to pick them up.  
 13 I think those the ones that Steve see  
 14 in the trailer there, were from some Flying  
 15 place in Mississippi, Minnow [sic] City,  
 16 Mississippi.  
 17 Q. And those drums were brought by a  
 18 Flying company from Minnow [sic] City?  
 19 A. Mississippi.  
 20 Q. Mississippi?  
 21 A. Uh-huh.  
 22 Q. Do you know the name of that company?  
 23 A. I think it on there, Tiger company, I  
 24 think.

1 A. Yeah.  
 2 Q. Did they ever contain anything?  
 3 A. No, nothing.  
 4 Q. They were always empty?  
 5 A. Always empty. Because, see, the  
 6 company that we got them from made sure  
 7 that -- we wasn't in chemical business; we're  
 8 in the cleaning business. They were  
 9 responsible for their own chemical.  
 10 Q. And who were the companies that you  
 11 got them from?  
 12 A. We got them from -- I think I got a  
 13 list. I can't think of them.  
 14 Q. We'll go through that later on.  
 15 A. Okay.  
 16 Q. So there was -- you say that there  
 17 was an acceptance program at American Drum  
 18 for drums that were brought to the facility?  
 19 A. Uh-huh.  
 20 Q. And was there a standard applied for  
 21 the acceptance program? Did you have any  
 22 kind of procedure for accepting drums and  
 23 tanks at the American Drum facility?  
 24 A. Yes, sir. We knew not to accept no

68

1 Q. Tiger company?  
 2 A. Yes, sir.  
 3 MR. SPURLIN: Would it be Flying  
 4 Tiger?  
 5 THE WITNESS: Flying Tiger,  
 6 that's it. Flying Tiger.  
 7 MR. PARRISH: Did you say Minnow  
 8 City or mini city?  
 9 THE WITNESS: Mini city --  
 10 Minnow City, Minnow City. M-I-N-E-R,  
 11 something like --  
 12 MR. PARRISH: Mineral [sic]  
 13 City.  
 14 BY MR. HARBIN:  
 15 Q. Were there any other containers that  
 16 were brought onto the American Drum facility  
 17 that you-all did not accept?  
 18 A. Yes, sir. Now, I have to get into  
 19 that. I have to go back and look at the work  
 20 because we sent a lot of them back.  
 21 Q. Do you remember the names of the  
 22 companies that sent those?  
 23 A. No. One company over there on  
 24 Chelsea.

Exhibit D

1 Q. Say that again.  
 2 A. I forget -- I have to go by to get  
 3 the address. It was a company on Chelsea, a  
 4 concrete place, Chelsea and then -- off  
 5 Chelsea and Bellevue. They do a lot of  
 6 concrete. They run a lot of drum back there.  
 7 They wouldn't come get them. I took them  
 8 back over there to them.  
 9 Q. And what did they contain?  
 10 A. They contained something to clean --  
 11 they made concrete, brick, whatever they -- I  
 12 don't know what they were.  
 13 Q. But it contained a cleaning agent?  
 14 A. Cleaning agent, uh-huh.  
 15 Q. And you took those back?  
 16 A. Took those back, yeah.  
 17 Q. Do you remember any other drums that  
 18 you did not accept?  
 19 A. A lot of them we didn't accept. But  
 20 I can't remember who, you know.  
 21 Q. Were the drums inspected for state --  
 22 compliance with EPA standards or state  
 23 standards?  
 24 A. I don't understand what you mean.

71

1 MR. HARBIN: Can we take just a  
 2 second, please?  
 3 (An off-the-record discussion  
 4 was held.)  
 5 BY MR. HARBIN:  
 6 Q. I would like to introduce as an  
 7 exhibit, 1, the response to the Tennessee  
 8 Department of Environment & Conservation  
 9 information request by American Drum &  
 10 Pallet, Inc. And I'd like to introduce that  
 11 as Exhibit 1.  
 12 MR. PARRISH: This document has  
 13 a rubber stamp on it. It says received May  
 14 23rd, 2007, Memphis field office; is that  
 15 correct?  
 16 MR. HARBIN: Correct.  
 17 MR. PARRISH: And that's the  
 18 field office of what?  
 19 MR. HARBIN: Of Tennessee  
 20 Department of Environment & Conservation.  
 21 MR. PARRISH: Okay.  
 22 (Deposition Exhibit 1 was marked  
 23 for identification.)  
 24 BY MR. HARBIN:

1 Explain what you mean. If you mean  
 2 shipping --  
 3 Q. Drum acceptance.  
 4 A. Accepting shipment like 18 gauge, 18  
 5 gauge, so you can't only gauge -- you can --  
 6 only drums you could ship is one 18 gauge.  
 7 You need 18 gauge. The 20 gauge, they come  
 8 in mostly -- a lot of full grade, you just  
 9 have them in the house to put water,  
 10 whatever, in.  
 11 The only thing that transportation  
 12 would ship are 18 gauge, and 20 in plastic,  
 13 certain gauge of plastic.  
 14 MR. PARRISH: You're saying 18  
 15 gauge?  
 16 THE WITNESS: Gauge, the steel.  
 17 MR. PARRISH: That's the  
 18 gauge --  
 19 THE WITNESS: Of the drum.  
 20 MR. PARRISH: You're describing  
 21 the kind of steel the drum is made out of.  
 22 THE WITNESS: Right.  
 23 MR. PARRISH: 18 gauge.  
 24 THE WITNESS: 18 gauge.

72

1 Q. Mr. Williams, in this document,  
 2 Exhibit 1 --  
 3 MR. PARRISH: Could you ask him  
 4 if he can identify it?  
 5 MR. HARBIN: Absolutely.  
 6 BY MR. HARBIN:  
 7 Q. Can you identify that document?  
 8 A. Yeah, I believe.  
 9 Q. Did you submit that or did  
 10 Mr. Johnnie Williams submit that?  
 11 MS. RICHARDSON: He is Johnnie  
 12 Williams.  
 13 BY MR. HARBIN:  
 14 Q. I mean Michael Williams. I'm sorry.  
 15 A. I'm familiar -- I'm sure I did.  
 16 MR. PARRISH: Look through the  
 17 other pages.  
 18 THE WITNESS: Okay. And I made  
 19 a mistake. I think Gray submitted it, Glover  
 20 Gray. I believe Glover Gray submitted it.  
 21 BY MR. HARBIN:  
 22 Q. But you are familiar with it?  
 23 A. I remember seeing it. I'm not  
 24 familiar with it, but I remember. Cowley

Exhibit D

Container, they bought a lot of drum.  
C-O-W-L-E-Y. That's in Nashville. I'm from  
Nashville. Yeah, I remember seeing that --  
not the greatest mind in the world, but I  
remember seeing it.

Q. But this is a document of American  
Drum?

A. Uh-huh.

Q. And it was completed by who?

A. Glover Gray.

Q. And I'd also like to introduce as  
Exhibit 2 the information request from the  
Tennessee Department of Environment &  
Conservation dated April 5th, 2007.

(Deposition Exhibit 2 was marked  
for identification.)

BY MR. HARBIN:

Q. Now, are you familiar with that  
document, Mr. Williams?

A. Yes, I'm sure I've seen it. I'm  
clearly not the best, but like I say -- yeah.

Q. And I'm not sure if I asked this  
question or not, but let's go back to the  
filtration system one last time before we

move on to Exhibit 1 and Exhibit 2.

A. Uh-huh.

Q. The material that you collected from  
the screens that went into the drums --

A. Yes, sir.

Q. -- how were they disposed of?

A. The EPA disposed of them.

Q. Where were they stored?

A. They were stored inside on the  
concrete floor.

Q. And what were they stored in?

A. 55-gallon steel drum, a 17 gauge.  
That's the heavy one that you put it in.

Q. Now, we're back to talking about the  
acceptance program. And in Exhibit 1, it  
says that drums for pickup or drop-off are  
inspected for compliance with EPA standards.

A. Uh-huh.

Q. What standards were they inspected  
for?

A. They inspect to see if they have any  
kind of residue in them.

Q. So that's what was termed EPA  
standards?

75

A. I'm sure, yeah. I guess so, yes,  
sir.

Q. And who was responsible for  
conducting that inspection?

A. James Wilkerson.

Q. We've gone over this before. But did  
the drums contain any residue materials that  
were brought to American Drum?

A. It wasn't never brought to my  
attention. I didn't check them. He checked  
them. But he knew we're not supposed to put  
it -- take anything with any residue in them.

Q. Would any have been cleaned that did  
contain residue?

A. I couldn't say, but it shouldn't have  
been. I couldn't say now, but it shouldn't  
have been.

MR. PARRISH: Did you say  
shouldn't or should?

THE WITNESS: No, shouldn't have  
been. It shouldn't have been.

BY MR. HARBIN:

Q. But you weren't there checking to see  
whether --

76

A. No.

Q. -- or not they contained any residue  
or not?

A. No, I wasn't. I was mostly out in  
the field.

Q. Did Mr. Wilkerson ever perform what  
was termed a hazardous waste determination on  
any barrels that contained residue that came  
into the facility?

A. Well, I know he turned some down; is  
that what you mean?

Q. There is a term called hazardous  
waste determination to see if a material is  
or is not a hazardous waste. Did you-all  
ever do that at that facility?

A. No. Well, you see, you can't  
determine what a hazardous waste is without  
any -- if you don't have anything to test it  
with, you know. What I'm saying, you got to  
have the waste in your house, Clorox. You  
can't determine that. You have to go to a  
lab to determine what's hazardous, what ain't  
hazardous. That's how it's determined.

Q. But do you know whether a hazardous

**Exhibit D**



1 waste determination was done by Mr. Wilkerson  
 2 on any drums that --  
 3 A. No, I don't. No, I don't.  
 4 Q. Who owned the drums that were brought  
 5 to the -- or let me rephrase that.  
 6 Who owned the drums that were cleaned  
 7 at the 806 Walnut facility?  
 8 A. We owned them till we sold them, the  
 9 ones that we accept.  
 10 Q. When did you-all become the owner?  
 11 When did American Drum become the owner?  
 12 A. Of the drum?  
 13 Q. Yes.  
 14 A. Whenever we accept them.  
 15 Q. And how did the drums come to the  
 16 facility?  
 17 A. By truck, a drum hustler, uh-huh.  
 18 Q. And American Drum did not become the  
 19 owner of them until you-all -- until American  
 20 Drum accepted them?  
 21 A. Accept them.  
 22 Q. So when you-all went out and picked  
 23 them up -- and when I use the term "you-all,"  
 24 I'm saying American Drum -- when American

1 Drum went out and picked them up and --  
 2 American Drum had a person that would go out  
 3 and pick drums up?  
 4 A. Uh-huh.  
 5 Q. Is that correct?  
 6 A. Yes, sir, that's correct.  
 7 Q. Did American Drum own the drums at  
 8 the time they picked them up?  
 9 A. No.  
 10 Q. It was only after acceptance?  
 11 A. Acceptance. Because we have to pick  
 12 up drum and took them back.  
 13 Q. Do you know who you took them back  
 14 to?  
 15 A. A glue company over in North Memphis.  
 16 They closed down since then. And another --  
 17 I think I give you the name yesterday. Last  
 18 name Omaha.  
 19 Q. Say that again, Mr. Williams.  
 20 A. Fuller, F-U --  
 21 THE WITNESS: How do you spell  
 22 Fuller?  
 23 MS. RICHARDSON: F-U-L-L-E-R,  
 24 Glue.

79

1 THE WITNESS: We took some back  
 2 to them, and we took back some back to some  
 3 other company.  
 4 BY MR. HARBIN:  
 5 Q. Can you remember who you took them  
 6 back to?  
 7 A. Not exactly. I could try come to get  
 8 it.  
 9 Q. If you would do that and you would  
 10 provide that to Mr. Parrish, we would  
 11 appreciate that.  
 12 A. Yes, sir, I will.  
 13 Q. You will try to do that?  
 14 A. Yes, sir, I sure will. Yes, sir.  
 15 Q. Can you identify the chemicals that  
 16 were used by American Drum in its process at  
 17 the 806 Walnut Street facility?  
 18 A. For cleaning drums?  
 19 Q. All of the chemicals that was used.  
 20 A. In cleaning drum?  
 21 Q. Yes, sir.  
 22 A. I can find out and let you know. I  
 23 don't know. It was a detergent/soap. The  
 24 kind of soap -- a soap, it wasn't supposed to

80

1 have any kind of -- just for washing, yeah.  
 2 So it's kind of like dishwashing soap that go  
 3 down -- when you wash dishes, go down the  
 4 drain.  
 5 Q. So detergent/soap?  
 6 A. Something like detergent/soap,  
 7 uh-huh.  
 8 Q. That was the only chemical that  
 9 you --  
 10 A. The only one I can remember. We got  
 11 it from Jack Flint and one other company, got  
 12 some from Cougar Chemical. But they knew  
 13 what kind of soap I needed, what kind I used  
 14 to wash the drums, yeah.  
 15 Q. Did you use any other chemicals?  
 16 A. I can't remember. Except -- I'm  
 17 sorry.  
 18 Q. No, go ahead.  
 19 A. Except paint, when we paint the drum  
 20 with that chemical.  
 21 Q. And used gasoline in the rags?  
 22 A. On the rags, uh-huh.  
 23 Q. So I'm understanding you to say you  
 24 used three chemicals?

Exhibit D



1 A. Uh-huh.  
 2 Q. Which would have been the  
 3 detergent/soap?  
 4 A. Uh-huh.  
 5 Q. The gasoline?  
 6 A. Uh-huh.  
 7 Q. And the paint?  
 8 A. Paint. Now, use diesel, too. The  
 9 machine was diesel.  
 10 Q. And --  
 11 A. You call that --  
 12 Q. How would you use the diesel?  
 13 A. The machine run off diesel.  
 14 Q. Diesel gasoline?  
 15 A. Yes, sir. Diesel, not diesel  
 16 gasoline. Diesel, what you put in big  
 17 trucks. Mr. Steve know what I'm talking  
 18 about.  
 19 MR. SPURLIN: He's talking about  
 20 fuel for his equipment.  
 21 MR. HARBIN: I see.  
 22 MR. SPURLIN: None of that is  
 23 used for cleaning his equipment.  
 24 MR. PARRISH: And diesel is not

83

1 50 drums, two and a half, three gallons --  
 2 gallon bucket, that's something -- you know,  
 3 we small, like I say. We were so small you  
 4 wouldn't believe it, big facility but small  
 5 operation.  
 6 Q. So I'm understanding you to say,  
 7 Mr. Williams, that you used -- let me say  
 8 this one more time to make sure that I'm  
 9 understanding this correctly -- that you used  
 10 the chemical detergent?  
 11 A. Uh-huh.  
 12 Q. The soap/detergent for the cleaning  
 13 process?  
 14 A. Uh-huh.  
 15 Q. You used gasoline --  
 16 A. Uh-huh.  
 17 Q. -- for the drum --  
 18 A. For cleaning.  
 19 Q. -- preparation, cleaning process?  
 20 A. Uh-huh.  
 21 Q. And then you used paint?  
 22 A. Uh-huh.  
 23 Q. And those are the only three  
 24 chemicals that you used?

1 gasoline.  
 2 MR. SPURLIN: Correct.  
 3 MR. PARRISH: That's totally  
 4 separate.  
 5 BY MR. HARBIN:  
 6 Q. What was the quantity of detergents  
 7 that you-all used, approximately?  
 8 A. If we washing 50 drum, like I said,  
 9 about a gallon.  
 10 Q. And how did you manage the chemical?  
 11 How was -- who -- who managed -- what  
 12 employee managed that chemical detergent?  
 13 A. (Indecipherable) Williams wanted to  
 14 wash the drum. And Charles Wilkerson.  
 15 Q. And how about the gasoline?  
 16 A. Mostly Charles or somebody, James  
 17 Wilkerson, whoever wiping the drum down.  
 18 Q. And the paint?  
 19 A. Charles Wilkerson. He's the one that  
 20 did the painting.  
 21 Q. How were they stored?  
 22 A. We got a storage facility, a little  
 23 room we put them in. And we just didn't have  
 24 that much stored, and we going to paint about

84

1 A. That I could -- yes, sir, I can  
 2 remember that we used.  
 3 MR. PARRISH: And diesel.  
 4 MR. HARBIN: And diesel.  
 5 THE WITNESS: Diesel.  
 6 BY MR. HARBIN:  
 7 Q. Not gasoline, but the fuel to run  
 8 your equipment?  
 9 A. Equipment, yeah.  
 10 Q. Did American Drum ever use what's  
 11 called TCE at its facility?  
 12 A. Uh-uh. What is -- I don't know what  
 13 TCE is.  
 14 MR. HARBIN: Mr. Spurlin, would  
 15 you identify what TCE is?  
 16 MR. SPURLIN: It's generally  
 17 trichloroethylene. It's often used as a  
 18 solvent material.  
 19 THE WITNESS: No.  
 20 BY MR. HARBIN:  
 21 Q. Did you ever use trichloroethylene  
 22 at --  
 23 A. I don't remember.  
 24 MR. SPURLIN: Mr. Williams, th

Exhibit D

1 paint that you used for the drums, did you  
2 buy -- did you purchase that as a new  
3 product, or did you purchase it like as maybe  
4 an off-spec or a used paint to paint your  
5 drums with, or did you buy it new?

6 THE WITNESS: We buy it knew  
7 from Farrell Calhoun, new, brand-new, bucket.

8 MR. PARRISH: Did you say the  
9 name of the company, Farrell --

10 THE WITNESS: Farrell Calhoun,  
11 paint.

12 MR. PARRISH: Farrell Calhoun.

13 BY MR. HARBIN:

14 Q. About how many gallons of paint would  
15 you go through with the 50 drums?

16 A. About two and a half gallon.

17 Q. And who was the employee responsible  
18 for the paint?

19 A. Charles Wilkerson.

20 Q. Do you ever remember having  
21 trichloroethylene, TCE, on the 806 Walnut  
22 facility?

23 A. I don't remember. Maybe have. I  
24 don't remember.

87

1 Q. Do you know who brought it to -- why  
2 it was left at your facility?

3 A. No, I don't.

4 Q. Do you know who left it at your  
5 facility?

6 A. No, sir, I don't know. Because when  
7 we bought it, who owned -- it was -- it was a  
8 cabinet company there before we got there,  
9 Pioneer Cabinet, and they did a lot of  
10 chemicals.

11 Q. When did you first discover those  
12 chemicals there when you moved -- after you  
13 moved into the facility?

14 A. I discovered a lot of drum. I didn't  
15 discover none of it. They -- I think,  
16 Mr. Harbin, and the (indecipherable) guy  
17 discovered a lot of it. Only time we knew  
18 they had a lot of drum, like I showed, we had  
19 a lot of drum there. And we never -- in  
20 fact, nobody knew what it was because nobody  
21 never test it.

22 Q. When you moved into the facility, did  
23 you look around the facility to see if  
24 anything was there?

1 Q. You say maybe have. Explain what you  
2 mean by that.

3 A. Well, what I mean, when Steve and  
4 them cleaned it up, it was a lot of chemical  
5 there. I didn't know where -- that's why  
6 they came, because I didn't know what it was.  
7 It was there when we got the facility.

8 Q. So the trichloroethylene you're  
9 saying would have been there prior to --

10 A. It may have been there.

11 Q. May have been there --

12 A. Yeah.

13 Q. -- prior to you-all purchasing --

14 A. Yes, sir.

15 Q. If it was there, it was there prior  
16 to you-all purchasing the facility?

17 A. Right.

18 Q. Do you know where that -- who owned  
19 that trichloroethylene?

20 A. No, sir, I don't. I don't even know  
21 who makes it.

22 Q. Do you know why it was there at your  
23 facility?

24 A. No, I don't.

88

1 A. A lot -- there was a lot of junk  
2 there, a lot of stuff there.

3 Q. A lot of drums or a lot of things  
4 there when you --

5 A. A lot of drums, a lot of pallets, a  
6 lot of debris, a lot of stuff was there.

7 Q. Where were the drums located in the  
8 facility?

9 A. They was -- they was out in the back,  
10 in the back, back there, and then we had out  
11 on Alston -- the little -- you know, the shed  
12 full of them, the yard was full and the alley  
13 back there was full. So they were  
14 everywhere.

15 Q. And that's the drums that you're  
16 saying -- they were there before you-all  
17 moved into the facility?

18 A. I didn't discover them. They  
19 discovered them.

20 Q. Who is they?

21 A. EPA discovered them.

22 Q. But you -- did you ever inspect the  
23 facility or walk around the facility prior to  
24 EPA discovering the drums?

Exhibit D

1 A. Yes, sir, we did.  
 2 Q. Did you ever see those drums that EPA  
 3 discovered?  
 4 A. I seen most of the drums, but I  
 5 didn't know what was in them. They didn't  
 6 have no label on them, I don't think. They  
 7 just, you know --  
 8 Q. Did you ever think about inspecting  
 9 them to see what was in them?  
 10 A. No, sir, I didn't.  
 11 Q. Did American Drum ever have methyl  
 12 parathion or use methyl parathion?  
 13 A. No, sir, we never used that.  
 14 Q. Was it ever on the site?  
 15 A. I think Steven showed me in the  
 16 trailer they were. It went to the people  
 17 that brung the stuff down from Flying Tiger;  
 18 and when I seen that had the skull on it,  
 19 that's when I put them in the trailer. And  
 20 when Mr. Steven came in, I showed him in the  
 21 trailer where they were, out on the front  
 22 dock, because it had a skull on it, I think.  
 23 I showed him.  
 24 Q. Okay. Let's go through this.

91

1 Q. Now, did American Drum go down and  
 2 pick those containers up, or did the company  
 3 bring them to --  
 4 A. The company brought them to me.  
 5 Q. The company brought them to you?  
 6 A. Yes, sir.  
 7 Q. Were they in a trailer or what were  
 8 they in? How did the company bring them to  
 9 you?  
 10 A. In a Bob truck.  
 11 Q. In a Bob truck?  
 12 A. Uh-huh.  
 13 Q. And what is a Bob truck?  
 14 A. Anything beyond a 24 -- 20 foot, 24,  
 15 26 Bob truck. It is a Bob truck.  
 16 Q. Is it a fully contained covered --  
 17 A. Covered, right, uh-huh.  
 18 Q. And when did they bring those to you?  
 19 A. I have to try to find -- work to find  
 20 out when. I don't know exactly when.  
 21 Q. Take me through the process of --  
 22 they brought that Bob truck. Was there one  
 23 Bob truck or two Bob trucks or three Bob  
 24 trucks?

1 A. Okay.  
 2 Q. There were containers on the American  
 3 Drum facility that contained methyl  
 4 parathion?  
 5 A. Okay.  
 6 Q. Is that correct?  
 7 A. Well, I don't know what was -- I know  
 8 it had a skull on it, and I seen I think on  
 9 the reports that it had residue in it.  
 10 Q. Residue?  
 11 A. Uh-huh.  
 12 Q. And who brought those containers in?  
 13 A. The company dropped them off from  
 14 Minnow City. I think Flying Tiger.  
 15 Q. Do you have records of that?  
 16 A. No. I could -- you know, I know  
 17 where they -- I know where they at. I can  
 18 get the address. I know where they at. They  
 19 in Minnow City, Mississippi, down below my  
 20 hometown.  
 21 Q. And would you get that for  
 22 Mr. Parrish and have Mr. Parrish supply that  
 23 to me?  
 24 A. I sure will, yes, sir.

92

1 A. Well, I wasn't there. But I think  
 2 one Bob truck.  
 3 Q. One Bob truck?  
 4 A. Uh-huh.  
 5 Q. And what happened after they came to  
 6 the facility?  
 7 A. After then, they left them on the  
 8 dock. See, you know, when you -- when you --  
 9 you was over there yesterday. When people  
 10 got something they want to get rid of or got  
 11 something they think -- a used drum like  
 12 that, they drop them off, hoping that you'll  
 13 use them, that you need them. They never  
 14 hardly come back and pick them up.  
 15 Q. Say that again.  
 16 A. They never hardly come and pick  
 17 them -- they will drop them off. I  
 18 remember -- I'm not there while people drop  
 19 off stuff at.  
 20 Q. And so people would drop off drums?  
 21 A. Uh-huh.  
 22 Q. What did you do with those drums they  
 23 would drop off?  
 24 A. If they dropped off, I would take them

Exhibit D

1 drum, we use it. And if they had anything in  
2 them, I made sure that they come back and get  
3 them if I knew who dropped them off.

4 Q. You did know who dropped them off?

5 A. I know who dropped those off.

6 MR. PARRISH: I think he said if  
7 he knew who dropped them off.

8 BY MR. HARBIN:

9 Q. And you knew who dropped off the  
10 containers that had the residue in them that  
11 we're talking about that's in the Bob truck?

12 A. Right, uh-huh.

13 Q. After you found out -- after they  
14 dropped them off, what happened after that?

15 A. Then I got my guy to store them in  
16 the trailer.

17 Q. Did you move them from the Bob truck?

18 A. No. I moved them from the dock.  
19 They dropped them off at the dock. I moved  
20 them from the dock. After they didn't come  
21 back and pick them up after a couple days,  
22 because I see the skull on them, I move them,  
23 secure them in a trailer and put them behind  
24 to make sure nothing would get out.

95

1 dock.

2 A. Uh-huh.

3 Q. What happened to them after that?

4 A. I put them in the -- I had my guy put  
5 them in the trailer, secure them.

6 Q. And was the trailer -- again, was the  
7 trailer owned by you?

8 A. Yes, the trailer owned by me.

9 Q. And the company never came to pick  
10 the --

11 A. No, they didn't.

12 Q. -- bottles -- the drums back up?

13 A. No, sir, they didn't.

14 Q. And where they -- the trailer that  
15 you moved them to is the trailer that  
16 Mr. Spurlin discovered them in?

17 A. Uh-huh. He didn't discover them. I  
18 told him. When Mr. Spurlin came -- let's put  
19 this on record. When he came there, I took  
20 him around -- 100 percent I showed him where  
21 everything was and that I didn't know and he  
22 had to test and he told me what to do.

23 Everything he told me to do I was doing it.

24 Q. Okay.

1 Q. Did you call them to tell them to  
2 come and pick them back up?

3 A. Uh-huh, sure did.

4 Q. And do you remember who you talked  
5 to?

6 A. No. But I asked Dorothy Williams to  
7 go help the guy and she did.

8 Q. She did? Dorothy called the --  
9 Mrs. Williams called?

10 A. Uh-huh.

11 Q. Would Ms. Williams be able to tell  
12 me -- to tell us who she talked to?

13 A. I can ask and see.

14 Q. Would you find that out for --

15 A. I find out.

16 Q. -- for us and get that information to  
17 your attorney, Mr. Parrish?

18 A. Yes, sir. Uh-huh.

19 Q. Did you make more than one attempt to  
20 call them and --

21 A. Several attempt.

22 Q. After you moved them from the loading  
23 dock, you -- I'm not understanding,  
24 Mr. Williams. You found them at the loading

96

1 A. Okay.

2 MR. PARRISH: You're talking  
3 about Mr. Spurlin?

4 THE WITNESS: Mr. Spurlin.

5 BY MR. HARBIN:

6 Q. During your operations at the 806  
7 Walnut Street facility, the cleaning of the  
8 drums, the rinsing, the drying, was there any  
9 waste generated from the operations? Did you  
10 process waste generated from the operations  
11 there?

12 A. Talking about cleaning the -- what  
13 you call it -- the screen off?

14 Q. Any waste.

15 A. Yeah. We put them in the drum,  
16 55-gallon drum, 17 gauge.

17 Q. So we're talking about the waste that  
18 was generated from the filtration system; is  
19 that what you're speaking of?

20 A. Uh-huh, right.

21 Q. And the rags?

22 A. Uh-huh.

23 Q. Again, were those the only --

24 A. Only one that I could remember.

Exhibit D

Q. Tell me one more time. How did you-all manage the waste that was -- came from the filtration system?

A. We take out of the tank, screen and put into a 55-gallon drum, put tops on it.

Q. And where were they stored?

A. Set them inside the building on concrete, right down from there, wash it.

Q. And the gasoline rags?

A. Yes, sir, put them in a 55-gallon drum.

Q. And they were stored --

A. Inside, too.

Q. Was there ever a hazardous waste determination made on any of those waste -- the waste from the filtration system and the rags?

A. We -- no more than what they gave us, you know, EPA with the -- you know.

Q. Was there a Great Dane Trailer on the property?

A. Uh-huh. Well, it wasn't a Great Dane Trailer. It was a plain Hoover trailer, I believe, had some Great Dane drums in them.

Q. Explain that to me, Mr. Williams.

A. Okay. There was a Hoover -- old Hoover trailer there, had some Great Dane drums in there. See, Great Dane closed down about, what, 2000 or '99, something like that.

So drums -- everybody -- Great Dane did drum paint, they'll paint -- like they make the -- paint the trailer with. That's what they got, the -- they got paint, you know, whoever got the paint from, they either got it from United Paint, whoever made the paint. And they had the name on the drum, Great Dane drum. And it was from them.

Q. Did Great Dane operate at the 806 Walnut facility?

A. No.

Q. Where do you think those Great Dane drums came from?

A. Came from Great Dane.

Q. How did they get to the facility?

A. I'm not for sure. Probably drum hustler.

Q. Were they -- when did they come to

99

the facility?

A. I couldn't tell you. I don't know.

Q. Were you -- was American Drum operating when the drums came to the facility?

A. No, sir. They was already there.

Q. And they were in the Hoover trailer?

A. Hoover trailer, uh-huh.

Q. Did you make any attempt to find out who owned the Great Dane drums or who owned the Hoover trailer?

A. No, sir.

Q. Tell me again about Great Dane. What is Great Dane?

A. Great Dane is a trailer facility. They make trailer, pull behind a tractor, you know, 18-wheeler. They make trailer, flatbed and boxed-in.

Q. Are they still operating?

A. They closed the Memphis plant but they operating, though.

Q. And they had a Memphis plant?

A. On President Island.

Q. Say that again, please.

100

A. On President Island.

Q. When did they close that facility?

A. I think they closed about 2000, right after 2000, 2001, something like that. But now, they do have another facility, I think, on Mallory Street. I'm not for sure. But I don't think they do no paint --

(Reporter interrupted.)

A. Mallory.

MR. PARRISH: M-A-L-L-O-R-Y.

THE WITNESS: And I said I don't think they do no paint there. I think they just make trailer. I'm not for sure.

BY MR. HARBIN:

Q. But the drums were marked Great Dane?

A. Yes, sir.

Q. About how many drums were there?

A. I don't know. You may have to ask Mr. Steven. Quite -- may have been quite a few, but I don't...

Q. Was Pioneer Cabinet -- you've mentioned Pioneer Cabinet operating there before American Drum.

A. Uh-huh.

# Exhibit D

Q. Was Pioneer Cabinet responsible for any materials or waste that was left on the site?

A. I don't know.

MR. PARRISH: When you're asking responsible, that's sort of a legal question. If you could maybe rephrase it.

BY MR. HARBIN:

Q. To your understanding -- do you know whether Pioneer Cabinet Company left any materials or waste on the site?

A. I don't know. They made cabinets for Holiday Inn. I know that. And when you make cabinets, you got paint, you got lacquer, and you got all kinds of stuff.

MR. HARBIN: Can we take a break?

(A recess taken.)

BY MR. HARBIN:

Q. Mr. Williams, could you identify the customers of American Drum, when it was both American Drum & Pallet Company, Inc. and American Drum & Pallet, Inc.?

A. The same, I think, same customers.

103

objection?

MR. PARRISH: No.

THE WITNESS: I gave it to him. Now, I may have some to add on, I told her.

BY MR. HARBIN:

Q. And I want to be clear, Mr. Williams. You gave this to me and to Ms. Richardson yesterday. We did not ask for this. You gave this to us voluntarily yesterday --

A. Sure did.

Q. -- without us asking for this?

A. Sure did.

MS. RICHARDSON: I want to get on the record the company you mentioned yesterday. Was that the Marianna Company?

THE WITNESS: Yeah. Marianna.

MS. RICHARDSON: Of Omaha, Nebraska?

THE WITNESS: Yeah, that -- Omaha. They closed the Memphis plant. They had a big plant in Memphis, and I got a couple more. But I just can't think in my mind. One of them, I know -- Bunia, I believe. Bon -- I have to go out and see,

Q. Okay. And the -- I'm not looking -- we're not looking for the ones that you sold clean drums to.

A. Uh-huh.

Q. We're looking for the customers who supplied you drums --

A. Uh-huh.

Q. -- who you would pick up drums from or who supplied you drums. Who were those people or companies?

A. Told you all that, yeah. The ones I told you. Now, I may have a few, I gave Ms. Brenita one yesterday. I may have a couple -- as I go through my work, when I find something, I always try to call my attorney and let him know that I come up with something new.

Q. Well, you gave me a sheet of paper yesterday that I didn't ask for, but you provided this to me --

A. I provided that it you.

Q. -- yesterday. And I would like to introduce this as Exhibit 3.

MR. HARBIN: Do you have any

104

you know --

BY MR. HARBIN:

Q. Would you think about that and provide that to Mr. Parrish as well?

A. Yes.

(Deposition Exhibit 3 was marked for identification.)

BY MR. HARBIN:

Q. Mr. Williams, you've identified that as the paper you gave to me --

A. Yesterday.

Q. -- yesterday.

A. Uh-huh.

Q. And I'm going to going through these one at a time.

A. Okay, sir.

Q. If that's okay.

A. Yes, sir.

Q. Rich Foods?

A. Uh-huh.

Q. What do they supply to you?

A. Plastic and steel drum and tote tank.

Q. And what were they -- what was the nature of their business?

Exhibit D

1 A. I think ice cream. I'm not for sure,  
2 but they made food.  
3 Q. Was there a written contract?  
4 A. No, sir, no.  
5 Q. And the -- about how many containers,  
6 would they -- did they supply containers to  
7 you?  
8 A. I guess in a month's time I'd say  
9 about 75 to 100.  
10 Q. Was that through each and every  
11 year --  
12 A. Yes, sir, uh-huh.  
13 Q. -- that you were operating --  
14 A. Uh-huh.  
15 Q. -- there?  
16 A. Uh-huh.  
17 Q. That's how many containers they would  
18 supply?  
19 A. Uh-huh.  
20 Q. What would they supply again?  
21 A. Plastic, steel and tote tank.  
22 Q. Was there material in those drums?  
23 A. No. They were clean.  
24 Q. They were clean. How were they

1 delivered to the facility?  
2 A. We picked them up.  
3 Q. And again who owned the drums? Did  
4 you -- who owned those drums? Did you own  
5 them when you picked them up, did you own  
6 them when you got them to the facility? Who  
7 owned those drums?  
8 A. When we got them to the facility, we  
9 would use all of them.  
10 Q. Is there a contact person for Rich  
11 Foods?  
12 A. I could get the name.  
13 Q. Smucker's Jelly?  
14 A. Uh-huh.  
15 Q. And did they provide the drums or did  
16 you go and pick them up?  
17 A. Went out and picked them up.  
18 Q. Was there a written contract?  
19 A. No.  
20 Q. Was there a written contract with any  
21 of these companies?  
22 A. No, uh-uh, no.  
23 Q. And again with any of these  
24 companies, do you ever remember there being

107

1 any material in the drums that you would pick  
2 up?  
3 A. Could I look at that?  
4 Q. Yes.  
5 MR. PARRISH: That is Exhibit 3  
6 that you're looking at?  
7 THE WITNESS: Uh-huh.  
8 MR. HARBIN: Thank you.  
9 THE WITNESS: Only company that  
10 I remember that we picked up drum that may  
11 have some residue in it was CCL because they  
12 made cologne, CCL, they made cologne and face  
13 stuff like that. I also they -- the Flying  
14 Tiger in Minnow City there, yeah, they had  
15 them in.  
16 BY MR. HARBIN:  
17 Q. It says Target Flying. Did you mean  
18 that --  
19 A. I mean Tiger, should be Tiger Flying.  
20 I'm sorry.  
21 Q. So out of these, and I'm going to  
22 read these off --  
23 A. Yeah.  
24 Q. -- there was Rich Foods?

108

1 A. Uh-huh.  
2 Q. Smucker Jelly?  
3 A. Uh-huh.  
4 Q. Newlywed Foods?  
5 A. Now, Newlywed may have -- I'm not for  
6 sure because we took -- we had some drum that  
7 had some hot sauce and some molasses in them  
8 and we took them back, but they clean them  
9 out. We took the drum back.  
10 Q. And they came and got them?  
11 A. No. We took them back.  
12 Q. You took them back?  
13 A. Yeah, they cleaned them out and we  
14 got them.  
15 Q. They cleaned them out?  
16 A. Yes.  
17 Q. Newlywed Foods cleaned them out?  
18 A. Yes.  
19 Q. And they brought them back to the  
20 facility?  
21 A. No. We picked them up.  
22 Q. You picked them up?  
23 A. Uh-huh.  
24 Q. Pepsi Cola Bottling?

Exhibit D



1 A. We got a lot of --- most of them had  
2 was Pepsi Cola syrup.

3 Q. You would clean the syrup out?

4 A. Only be just a little, yeah, because  
5 Pepsi Cola had so many, they had quite a few.  
6 And you see in the pictures Pepsi Cola drum.

7 Q. How many?

8 A. We used to pick Pepsi Cola every two  
9 weeks. Yeah, Pepsi Cola drums.

10 MR. HARBIN: I'd like to make  
11 this photograph Exhibit 4.

12 (Deposition Exhibit 4 was marked  
13 for identification.)

14 BY MR. HARBIN:

15 Q. Mr. Williams, you've identified this  
16 photograph Exhibit 4 as the Pepsi Cola?

17 A. Pepsi Cola.

18 Q. And it had -- the Pepsi Cola had  
19 syrup residue in some of them?

20 A. Yes, sir.

21 Q. Leonard's Recycling, what was that?

22 A. That was plastic drums that we got  
23 from him.

24 Q. Do you know what their business was,

1 Leonard's Recycling?

2 A. No. I think he was picking them up  
3 from somewhere else. I'm not for sure. I  
4 think he was picking them up from Ideal  
5 Chemicals, but they were empty when he  
6 brought them.

7 Q. Did they contain any residue?

8 A. I couldn't say.

9 Q. Who would know that?

10 A. James Wilkerson, James Wilkerson  
11 would know. I can ask him and get a  
12 statement from him through my lawyer.

13 Q. If you could do that, I would  
14 appreciate that.

15 A. Yes, sir. And you make a note of  
16 what I need to do.

17 Q. We're doing that.

18 A. Okay. I'm sorry. Because I will  
19 forget.

20 Q. We're doing that, Mr. Williams, but  
21 thank you.

22 Precision Technology, did you pick up  
23 barrels for them?

24 A. Yeah, I picked up drums from them,

111

1 yes, sir.

2 Q. You picked up drums from them. Did  
3 they have any residue?

4 A. No.

5 Q. What was Precision Technology, what  
6 was their business?

7 A. They were making something like hair  
8 spray.

9 Q. What kind of drums did you pick up  
10 from them?

11 A. Steel and plastic.

12 Q. Hanco Manufacturing?

13 A. Uh-huh.

14 Q. Did you pick up --

15 A. Picked up steel from them.

16 Q. Steel drums from them?

17 A. Uh-huh.

18 Q. Did they contain any residue?

19 A. No. No.

20 Q. What was their business,  
21 Mr. Williams?

22 A. I don't know. I have to find out.

23 Q. I forgot if I asked this, but what  
24 drums did you pick up from Hanco?

112

1 A. Steel.

2 Q. Steel drums?

3 A. Uh-huh.

4 Q. Jack Flint & Son, what did you pick  
5 up from them?

6 A. Steel and plastic and tote tank.

7 Q. Did they contain any residue, to your  
8 knowledge?

9 A. No, not to my knowledge -- they made  
10 soap or we bought soap from them.

11 Q. I see. Jackson Oil Company.

12 A. Uh-huh, picked up empty drums from  
13 them. They handle oil. They used to be in  
14 Memphis, but they in West Memphis now.

15 Q. What drums did you pick up from them?

16 A. Steel and tote tank, they didn't have  
17 plastic. Steel and tote tank.

18 Q. Kenny & Associates?

19 A. He made this air condition oil that  
20 he sold to Carrier, Carrier Air Conditioning.  
21 He's on Jackson. The drums I pick up from  
22 him was empty.

23 Q. What kind of drums did you pick up?

24 A. Open head.

Exhibit D



1 Q. Open head?

2 A. Uh-huh, steel.

3 Q. Steel, open-head steel?

4 A. Open-head steel, yes, sir.

5 Q. Chemical Specialty?

6 A. Uh-huh.

7 Q. Did you pick up drums from them?

8 A. All kinds, plastic, steel, uh-huh.

9 Q. Did they contain any residue?

10 A. Not -- no, no, not that I know of, I

11 don't think they did.

12 Q. We've got CCL?

13 A. Now they did contain residue because

14 they had mostly fumes and -- perfume and

15 lotion, they made lotion, perfume, you know,

16 deodorant.

17 Q. And I think you indicated that there

18 were some barrels that had residue from CCL?

19 A. From CCL, yes, sir.

20 Q. And help me here because I forget

21 whether I've asked you this: What did you

22 get from CCL?

23 A. All kinds, steel, plastic, tote tank.

24 Q. And about how many would you get from

115

1 whoever come first, first-come, first-serve,

2 get the drum.

3 MR. PARRISH: Did you say Kelly?

4 THE WITNESS: Cowley, they

5 own --

6 MR. SPURLIN: C-O-W-L-E-Y.

7 THE WITNESS: Yeah, Cowley, they

8 in Nashville.

9 BY MR. HARBIN:

10 Q. Did you get containers from Cowley

11 Containers?

12 A. No. I sold them containers.

13 Q. Tri-State Agricultural, did you get

14 containers from --

15 A. That is the little white 30 gallon.

16 No, I have to find out. They from over in

17 Arkansas somewhere.

18 Q. Yes, sir. They are listed as being

19 in Arkansas.

20 A. I have to find out. We got 30-gallon

21 drums from them.

22 Q. That was steel and plastic drums?

23 A. No. Just plastic.

24 Q. Just plastic. Did they contain any

1 CCL?

2 A. I would say about close to 100 a

3 month.

4 Q. Was that during all of the operations

5 through the years that you operated --

6 A. Uh-huh.

7 Q. -- at the facility?

8 A. Yes, sir.

9 Q. Farris Calhoun Paints?

10 A. Uh-huh.

11 Q. Did you get drums from them?

12 A. And tote tanks.

13 Q. And the quantity of drums that you

14 would get from them?

15 A. Very few, I guess about 50 every two

16 or three months; we got quite a few tote

17 tank, I'd say 35 tote tank a month.

18 Q. And was that during the whole time

19 that you operated there?

20 A. Mostly. Mostly.

21 Q. And what do you mean by mostly? Help

22 me out.

23 A. Well, a lot of time the company like

24 Cowley Container, Tennessee and Memphis,

116

1 residue?

2 A. No.

3 Q. And airport is listed here in

4 Clarksdale, Mississippi; is that --

5 A. That's Sweeney Airport, I think

6 W.N.N. Sweeney, right on 49 right outside

7 Clarksdale.

8 MR. PARRISH: Are you saying

9 S-W-I-N-N-E-Y (sic)?

10 THE WITNESS: I believe so,

11 Sweeney.

12 BY MR. HARBIN:

13 Q. What did you get from Sweeney

14 Airport?

15 A. Plastic drums, 55-gallon drum and

16 30-gallon.

17 MR. SPURLIN: Was Sweeney a crop

18 dusting-related facility?

19 THE WITNESS: Yes.

20 MR. SPURLIN: Thank you.

21 BY MR. HARBIN:

22 Q. You have got right below airport, you

23 have Sweeney Flying.

24 A. That's it, Flying. The other

Exhibit D

1 airport's in Clarksdale, two different ones,  
2 two different ones.  
3 Q. I'm sorry. Help me clarify it. We  
4 have airport listed in Clarksdale,  
5 Mississippi and Sweeney Flying in Clarksdale,  
6 Mississippi?  
7 A. Sweeney Flying on 49. Airport is on  
8 61 before you get in Clarksdale.  
9 Q. Let's go back up to airport.  
10 A. Okay.  
11 Q. What do you mean by airport?  
12 A. Well, they handle a lot of drums too.  
13 They have crop dusters like Sweeney do. So I  
14 get 30 gallon from them and get 30 gallon and  
15 55 from Sweeney.  
16 Q. And is this the name of the company,  
17 just airport?  
18 A. No. I have to get that. I'll give  
19 it to the attorney. I'll get the name of it.  
20 We call it airport because they shorter name.  
21 We know about it, you know.  
22 Q. But it was a crop dusting facility?  
23 A. Yes, sir. Yes, sir.  
24 Q. And it was on Highway --

119

1 A. Sweeney, I would say something like  
2 about 75 every 90 days or something like  
3 that. Now, I got 55 and 30 from Sweeney,  
4 combined 75.  
5 Q. And that was the whole time that  
6 American Drum operated at the 806 facility?  
7 A. Right, yes, sir.  
8 Q. And then we've got Target Flying, but  
9 that was supposed to be Tiger?  
10 A. Tiger.  
11 Q. Or Flying Tiger?  
12 A. Flying Tiger, that's it, in Minnow  
13 City, Mississippi.  
14 Q. And that is a crop dusting --  
15 A. Uh-huh, yes, sir.  
16 Q. About how many drums did you get from  
17 Flying Tiger?  
18 A. I don't know how many, but that's the  
19 one that has the skull on it; and we -- yeah.  
20 I guess we had about 50, 60. How many was  
21 there?  
22 MR. SPURLIN: There's a final  
23 count on the one we dealt with in the report.  
24 I don't remember the number off the top of my

1 A. 61. Right over by the -- the Army  
2 Reserve thing; airport, Army Reserve all  
3 together.  
4 Q. You would pick up drums?  
5 A. 30 gallon.  
6 Q. 30 gallon?  
7 A. Yes, sir.  
8 Q. Any 55 gallon?  
9 A. No, not from them. Mostly 30 gallon.  
10 Q. And how many would they supply to  
11 you-all?  
12 A. I guess I would say about 100 every  
13 two or three months.  
14 Q. During the whole time --  
15 A. Whole time, yes.  
16 Q. American Drum operated?  
17 A. Yes, sir.  
18 Q. And Sweeney Flying?  
19 A. Uh-huh.  
20 Q. That's the one that we just talked  
21 about?  
22 A. Talked about.  
23 Q. And, again, about how many did they  
24 supply?

120

1 head.  
2 BY MR. HARBIN:  
3 Q. About how many -- did you -- did  
4 Flying Tiger supply drums to you-all, to  
5 American Drum, the whole time you were in  
6 operation there?  
7 A. Not the whole time, but sometimes.  
8 Q. More than one occasion?  
9 A. More than one occasion.  
10 Q. About how often?  
11 A. I would say about once a year out of  
12 about four year. See, they drum -- the other  
13 drum we got from them, the 30 gallon, 55, but  
14 these last ones that they brought and dropped  
15 on the dock was the one that had the skull on  
16 it. The one I didn't use -- didn't take from  
17 them.  
18 MS. RICHARDSON: Let me ask a  
19 question about Tiger Flying or Flying Tiger.  
20 Is it Flying Tiger of Mississippi or is it --  
21 do you have a different name or a specific  
22 name?  
23 THE WITNESS: No. I could get  
24 it for you. I'll get it for you.

Exhibit D

1 MS. RICHARDSON: Okay. Then it  
2 is a Mississippi --  
3 THE WITNESS: Yes, Minnow City,  
4 Mississippi.  
5 BY MR. HARBIN:  
6 Q. Parker Hannisan?  
7 A. Uh-huh. Arkansas.  
8 Q. What is the -- Truman, Arkansas?  
9 A. Okay. Uh-huh.  
10 Q. Tell me what drums you got from them.  
11 A. Steel, open head and closed head.  
12 Q. And you would pick them up?  
13 A. I would pick them up.  
14 Q. How many would you get?  
15 A. About one load every four or five  
16 months and a load consisted of about 75 to  
17 100 drums.  
18 Q. And that was the whole time that  
19 American Drum operated?  
20 A. Mostly. Not whole time. I would say  
21 two or three a year the time that we were  
22 there.  
23 Q. Lincoln, Incorporated in Jonesboro,  
24 Arkansas.

123

1 A. About four year.  
2 Q. Did it have any residues that you  
3 remember?  
4 A. No. Well, they didn't wash them out.  
5 They have had some with oil residue and soap  
6 residue.  
7 Q. Phoenix Zinc, Incorporated?  
8 A. Uh-huh. They -- they out of  
9 business. They in Collierville --  
10 Millington. You-all spent about 5 or 6  
11 million dollars to clean that place up on  
12 Church Road out in Millington. We picked up  
13 a lot of tanks from them from about 2'04 to  
14 about 2'06, but they clean up that place.  
15 Q. Did they supply drums?  
16 A. Yes, sir.  
17 Q. How many would they supply?  
18 A. I would say about 40, 50 every 90  
19 days to six months.  
20 Q. And was there any residue that --  
21 they cleaned theirs out?  
22 A. They cleaned theirs out.  
23 Q. Gromoor Company?  
24 A. Yeah, on the island. We picked up

1 A. Picked up there one time.  
2 Q. And what did you pick up?  
3 A. Steel drum.  
4 Q. Did it have any residue in it?  
5 A. No. They cleaned and washed them  
6 out.  
7 Q. Yellow Freight in Memphis, Tennessee.  
8 A. Yes, sir.  
9 Q. And what did they supply to you?  
10 A. We picked up all the empty drums, all  
11 the drums; soap drum, oil drum.  
12 Q. What size drums?  
13 A. 55 gallon.  
14 Q. 55 gallon?  
15 A. Uh-huh.  
16 Q. And how often --  
17 A. We got Yellow about once, I would  
18 say, about once every four or five months.  
19 Q. How many drums would they supply?  
20 A. About 30 or 40.  
21 Q. Once every three or four months?  
22 A. Yes, sir.  
23 Q. Was that the whole time that American  
24 Drum operated at the facility?

124

1 plastic from them and they cleaned theirs  
2 out. They are part of -- Gromoor part of  
3 Drexel Chemical.  
4 Q. And how many would you pick up?  
5 A. They was open about two year. We  
6 pick up -- in the whole total in the two year  
7 we picked up over 150 drums.  
8 Q. Were they 55?  
9 A. 55, plastic.  
10 Q. And did they wash theirs out?  
11 A. Yes, sir, they washed out.  
12 Q. Piper Impack?  
13 A. I believe they in Batesville,  
14 somewhere in Batesville, Mississippi, I  
15 believe.  
16 Q. Yes, sir.  
17 A. We picked up a lot from them. Steel  
18 drums, open head and tight head.  
19 Q. And how many would you get from them?  
20 A. I would say about a load, about 100  
21 every 90 days.  
22 Q. Was that during the whole time that  
23 American Drum operated?  
24 A. Not the whole time. I would say, about

Exhibit D

1 three or four years.  
 2 Q. Was that in the later part of the  
 3 three or four years or the earlier part?  
 4 A. Early part.  
 5 Q. Early part?  
 6 A. Yes, sir.  
 7 MR. SPURLIN: Do you know the  
 8 nature of their business?  
 9 THE WITNESS: No, I don't. I  
 10 think they made air conditioning. I'm not  
 11 for sure. You know they are not CCL anymore.  
 12 They change their name to KIK, K-I-K,  
 13 something like that.  
 14 BY MR. HARBIN:  
 15 Q. K-I-K?  
 16 A. Uh-huh.  
 17 Q. Do you know where they are located?  
 18 A. On Third Street, 19 -- 1800 block of  
 19 Third Street and 61.  
 20 MR. PARRISH: Third and 61 are  
 21 the same street.  
 22 THE WITNESS: Yeah, the same  
 23 street.  
 24 MS. RICHARDSON: I notice you do

127

1 A. Uh-huh.  
 2 Q. W.R. Drum ever operated at 806  
 3 Walnut?  
 4 A. No, sir.  
 5 Q. So Monsanto did not supply any drums  
 6 and never was a client to American Drum &  
 7 Pallet Company?  
 8 A. No, sir.  
 9 Q. Did American Drum do business with  
 10 Dupont?  
 11 A. Not at American Drum & Pallet, no,  
 12 sir.  
 13 Q. It again was mentioned during the  
 14 lien meeting that we had. In what context  
 15 was Dupont mentioned?  
 16 A. In the old company.  
 17 Q. That was W.R. Drum?  
 18 A. Right, uh-huh.  
 19 Q. So Dupont -- did Dupont ever supply  
 20 any drums or conduct any business with  
 21 American Drum at the 806 Walnut facility?  
 22 A. No, sir.  
 23 Q. Did American Drum conduct any  
 24 business with Asplundh?

1 a lot of business with crop dusters and you  
 2 said Flying Tiger is the one that left the  
 3 drums with the skulls on it?  
 4 THE WITNESS: Uh-huh.  
 5 MS. RICHARDSON: Do you have  
 6 some documentation that they're the ones that  
 7 left the drums or how do you know they left  
 8 the drums?  
 9 THE WITNESS: I called them --  
 10 Dorothy Williams called them and they said  
 11 they would pick them up, but they never did.  
 12 BY MR. HARBIN:  
 13 Q. Was Monsanto ever a client? Did they  
 14 ever supply drums to American Drum & Pallet  
 15 Company?  
 16 A. No, sir.  
 17 Q. During the lien meeting, the name  
 18 Monsanto was mentioned. How was that  
 19 mentioned, do you remember in what context?  
 20 You said you had a contract with Monsanto.  
 21 A. That was the other company I told  
 22 you, W.R. Drum, a while back, over 10 years  
 23 ago.  
 24 Q. And that was W.R. Drum?

128

1 A. I don't remember that name.  
 2 MS. RICHARDSON: It's Tree  
 3 Expert, Asplundh Tree Expert Company.  
 4 THE WITNESS: I don't remember  
 5 that. What the address? Do you have an  
 6 address?  
 7 MS. RICHARDSON: I don't have an  
 8 address. I believe you told Mr. Spurlin that  
 9 Asplundh Tree Expert Company used the  
 10 herbicide to maintain railroad right-of-way.  
 11 You don't remember that?  
 12 THE WITNESS: No, I don't.  
 13 MS. RICHARDSON: Okay.  
 14 MR. PARRISH: Is that S-P-I-N --  
 15 MR. HARBIN: That is  
 16 A-S-P-L-U-N-D-H.  
 17 MR. PARRISH: Okay.  
 18 BY MR. HARBIN:  
 19 Q. But you, Mr. Williams, don't remember --  
 20 A. I don't remember that.  
 21 Q. -- using any -- getting any drums  
 22 from Asplundh?  
 23 A. I don't even know the company. If I  
 24 could find out, I will let you know. I'm

Exhibit D

1 trying to think now.

2 Q. There were 144 containers that you  
3 had indicated came from Asplundh. Do you  
4 remember that?

5 A. I don't -- let me go back and think  
6 and look. I will do it and I will definitely  
7 let you know. Asplundh.

8 MR. PARRISH: Big green trucks,  
9 they are all over town. During the ice storm  
10 they were taking --

11 MR. HARBIN: We want to take a  
12 break for a second. We three are going to  
13 caucus outside.

14 MR. PARRISH: We'll go out.

15 (A recess was taken.)

16 BY MR. HARBIN:

17 Q. Mr. Williams, Chemical Specialty is  
18 listed here in Memphis, Tennessee, is that a  
19 paint-related company? Do you know what its  
20 business is?

21 A. No. Made chemical, it make soap,  
22 make chemical that you drain chemical, all  
23 that.

24 Q. Is Kraft Foods Nabisco --

1 A. Uh-huh.

2 Q. Did American Drum pick up containers  
3 for Kraft Foods?

4 A. Sure did. I forgot to put them in  
5 there.

6 Q. How many containers --

7 MR. PARRISH: So we're clear,  
8 you forget to put them on Exhibit 3?

9 THE WITNESS: Uh-huh.

10 MR. PARRISH: Okay.

11 MR. HARBIN: Thank you for the  
12 clarification.

13 MR. PARRISH: Sorry.

14 MR. HARBIN: Absolutely.

15 BY MR. HARBIN:

16 Q. About how many containers did you  
17 pick up for Kraft Foods?

18 A. I'll say something like about 10 or  
19 15 a month, very few.

20 Q. Was that during the whole time that  
21 American Drum operated?

22 A. Uh-huh, yes.

23 Q. What kind of drums did you pick up?

24 A. Open head and tight head.

131

1 Q. They were 55 gallon?

2 A. Yes, sir.

3 Q. Were they rinsed out?

4 A. Uh-huh, yeah.

5 Q. Did they contain any residue?

6 A. No residue.

7 Q. And Hershey Chocolate, U.S.A.?

8 A. Uh-huh.

9 Q. That was a --

10 A. Hershey, they make candy.

11 Q. Yes, sir.

12 A. And they make -- we picked up very  
13 few from them.

14 Q. When you say very few, how many?

15 A. I would say 35 every two or three  
16 months.

17 Q. During the whole time that American  
18 Drum operated?

19 A. Yeah, about four year, you know, say  
20 about four year.

21 Q. The first four years?

22 A. First four years.

23 MR. PARRISH: Are they on  
24 Exhibit 3?

132

1 THE WITNESS: No.

2 MR. PARRISH: But should be?

3 THE WITNESS: Should be, yeah.

4 BY MR. HARBIN:

5 Q. Did the containers from Hershey  
6 Chocolate contain any residue?

7 A. No, sir.

8 Q. Did you pick up any drums from  
9 American Fireworks?

10 A. No. We sell them drums.

11 Q. Dee's Oil Company, did you pick up  
12 any containers from Dee's Oil Company?

13 A. Yes, sir.

14 Q. What did you pick up from Dee's Oil  
15 Company?

16 A. Steel drum.

17 Q. And how many did you pick up from  
18 Dee's Oil Company?

19 A. We were selling Dee. We pick up 100  
20 and sell them 100.

21 MR. PARRISH: Could you spell  
22 Dee's?

23 THE WITNESS: D-E-S, I believe.

24 MR. HARBIN: Dee's, spelled D-E-S.

**Exhibit D**

1 THE WITNESS: Uh-huh.  
 2 MR. PARRISH: Are they on  
 3 Exhibit 3?  
 4 THE WITNESS: No, they are not.  
 5 MR. PARRISH: Should they be?  
 6 THE WITNESS: They should be.  
 7 BY MR. HARBIN:  
 8 Q. Drexel Chemical Company, did you pick  
 9 up any drums from Drexel Chemical Company?  
 10 A. No, sir. Only sold them drums.  
 11 Q. Farrell Ocolor, O-C-O-L-O-R?  
 12 A. Oh, we sold them drums, F-E-R-C-O,  
 13 whatever.  
 14 Q. Say that again.  
 15 A. F-E-R-C-O, Ferco or something like  
 16 that. We sold them drums.  
 17 Q. You didn't pick up any drums from  
 18 them?  
 19 A. No.  
 20 Q. Hancock Equipment & Oil Company?  
 21 A. No. We sell them drums.  
 22 Q. Sell them drums?  
 23 A. Uh-huh.  
 24 Q. You did not pick up any drums from

135

1 A. No. We sell them drums.  
 2 Q. Did you pick up any drums from  
 3 Evergreen Recycles?  
 4 A. No. We sell them plastic. That's  
 5 the guy in Jackson, Evergreen Recycle on  
 6 Mobile Street, I believe. We sell them all  
 7 the -- that's who I've been trying to get the  
 8 name. We sell them all of our scraps and he  
 9 grinds them up. I couldn't get the name.  
 10 Q. Very good. Did you sell any drums --  
 11 did you pick up any drums from Specialty  
 12 Adhesives?  
 13 A. No.  
 14 Q. Did you pick up any drums from Keen  
 15 Expedition?  
 16 A. No. We sell them drums.  
 17 Q. Did you pick up any drums from Dennis  
 18 Knoll?  
 19 A. No. We sell them drums.  
 20 Q. Did American Drum & Pallet Company,  
 21 Inc. have insurance -- any type of insurance  
 22 at the facility to cover the facility?  
 23 A. At one time we did. We don't have it  
 24 now, we didn't have --

1 them?  
 2 A. No.  
 3 Q. And Chandler Demolition Company?  
 4 A. We sell them drums. They put --  
 5 Q. Did you pick up any drums from them?  
 6 A. No. Demolition company. We didn't  
 7 pick up any.  
 8 Q. Did you pick up any drums from  
 9 Progressive Adhesives?  
 10 A. No. We sell them drums.  
 11 Q. Delta Foremost Company?  
 12 A. We sell them drums. Don't pick up  
 13 any.  
 14 Q. Did you pick up any drums from  
 15 Chemex?  
 16 A. No. We sell them drums.  
 17 Q. Did you pick up drums from Ricsan  
 18 Products?  
 19 A. No, we sell them drums.  
 20 Q. Did you pick up any drums from  
 21 MidSouth Adhesives?  
 22 A. No. We sell them drums.  
 23 Q. Did you pick up any drums from Moore  
 24 Agricultural Products?

136

1 Q. Who was the insurance company?  
 2 A. I believe it was Shelter Insurance.  
 3 Have to find out who.  
 4 MR. PARRISH: Shelter?  
 5 THE WITNESS: Shelter Insurance.  
 6 BY MR. HARBIN:  
 7 Q. Shelter?  
 8 A. Uh-huh, yes. I have to find out for  
 9 sure.  
 10 Q. What kind of insurance did it -- did  
 11 you have there?  
 12 A. We had comprehensive and liability,  
 13 both kinds.  
 14 Q. Do you have any records of the  
 15 insurance policy?  
 16 A. I think I can find it, yes, I think I  
 17 can find it.  
 18 Q. We would like you to do that --  
 19 A. Okay.  
 20 Q. -- Mr. Williams.  
 21 A. Okay.  
 22 Q. So you can only remember one  
 23 insurance company?  
 24 A. Uh-huh.

Exhibit D

1 Q. That -- is that correct?

2 A. Shelter, yes, sir.

3 Q. What's the current operational status

4 of the 806 Walnut Street facility now?

5 A. It's scrapping stuff because the FBI

6 went to all our customers. They won't buy

7 anything from us. We sell scrap, sell a drum

8 here, selling pallet, whatever we sell to

9 make a dollar to keep the lights on.

10 Q. Is it still American Drum?

11 A. Yes, sir.

12 Q. It's still American Drum & Pallet?

13 A. Yes, sir. We lost all of our

14 customers.

15 Q. Is there any hazardous waste that's

16 currently being generated there?

17 A. No, sir.

18 Q. Are there any hazardous waste

19 currently located on the facility?

20 A. Not as I know, there's not.

21 Q. Has hazardous waste been located on

22 the facility within the last 60 days?

23 A. Not as I know. Not as I know.

24 Q. Could there have been and you not

139

1 Enforcement did what, Mr. Williams?

2 A. Ask me to stack those drums up neat

3 out at the facility and stack them along with

4 the lumber and the buckets and whatever we

5 stacked up underneath the tins and stuff.

6 Q. The lumber?

7 A. Yes. We got lumber up under there,

8 too, and tin.

9 Q. Are they new fiber board containers?

10 A. No.

11 Q. They are used?

12 A. They are used.

13 Q. And they are clean?

14 A. They're clean.

15 Q. What are you going to use them for

16 now?

17 A. I don't know. I don't know.

18 Q. And do they belong to American Drum?

19 A. Yes, sir.

20 Q. And you said earlier; who brought

21 them to the facility?

22 A. We picked them up from Newlywed Food.

23 MR. HARBIN: Could you give me

24 just a second?

1 know about it?

2 A. Could have been and I didn't know

3 about it, but I don't remember none being on

4 there.

5 Q. Are you aware of any hazardous waste

6 being on the facility within the last 60 days

7 in any way?

8 A. No, sir. I'm not aware.

9 Q. Have you talked to your employees or

10 anyone about hazardous waste being on the

11 facility within the last 60 days?

12 A. No, sir, I haven't.

13 Q. Why are the fiber board containers at

14 the facility presently at the facility?

15 A. At that time -- they all empty.

16 That's what we -- them came from Newlywed

17 Foods. They all empty, so we clean them up

18 and we got -- we cleaned at the facility and

19 put the fiber board up under the shed with

20 lumber and tin and stuff. The Code

21 Enforcement, they told us to get them and

22 stack the wood on -- off the ground and stack

23 the drum up in there.

24 Q. Explain that again. The Code

140

1 (Pause in proceedings.)

2 MR. PARRISH: While you're doing

3 that, we were finding the location of

4 Asplundh. He said if he knew the location,

5 it might relate to him, so let me get that.

6 Be right back.

7 BY MR. HARBIN:

8 Q. Got one last question, Mr. Williams.

9 Through the -- through this deposition you

10 said that American Drum would go out and pick

11 up the containers.

12 A. Uh-huh.

13 Q. Did companies ever bring -- did

14 you -- did American Drum always go out and

15 pick up the containers?

16 A. No. People bring them to me, like,

17 drum hustlers, I tell you.

18 Q. Okay. And that was -- I think we

19 mentioned one, Mike and Jack?

20 A. Yeah, and some others, too, I got to

21 get the name.

22 Q. You're going to get those names for

23 us?

24 A. Yes, sir, uh-huh.

Exhibit D



1 Q. And the concrete company that you  
2 mentioned that was on Chelsea and Bellevue?  
3 A. Yes, sir. I get that name for you.  
4 Q. You'll get that name as well.  
5 A. Yes, sir.  
6 Q. Can you remember what chemicals --  
7 what materials that you were dealing with in  
8 that -- with that company?  
9 A. Which one now?  
10 Q. The concrete company.  
11 A. I think -- I don't know. I think it  
12 was brick cleaning because what I did, I took  
13 the drum back to them. I didn't, you know --  
14 Q. You didn't clean their drums?  
15 A. No, sir. No, sir.  
16 MR. SPURLIN: I have one  
17 follow-up question. Toward the end of EPA's  
18 cleanup activities out on the facility, we  
19 came in and inside the warehouse there were,  
20 I would say, hundreds -- a significant number  
21 of the poly totes with agricultural type  
22 labels on them. They looked -- they were  
23 kind of in a reinforced tote.  
24 THE WITNESS: Uh-huh.

143

1 brought drums to me, but the drums, they was  
2 so picky about their drums.  
3 Q. Explain that to me, Mr. Williams.  
4 A. They have two men on the truck and  
5 they check and make sure that nothing wrong.  
6 When we go load them up, they do the same  
7 thing.  
8 Q. I'm not understanding you.  
9 A. They were picked up and they made  
10 sure their drums were clean. Everybody had  
11 sued them before. They don't let nothing  
12 leave their facility unless they are clean.  
13 Q. So all their drums that you  
14 received -- that American Drum received at  
15 the facility, they were clean?  
16 A. Clean. They don't let nothing leave.  
17 They got EPA guy there.  
18 MR. PARRISH: Asplundh should be  
19 on Exhibit 3?  
20 THE WITNESS: Asplundh, not  
21 Plundh (sic) but Asplundh, they in Olive  
22 Branch, not in Memphis; Olive Branch,  
23 Mississippi.  
24 BY MR. HARBIN:

1 MR. SPURLIN: So the label said  
2 paraquat, it was green in color, maybe some  
3 red, but they dye the material so the farmers  
4 can see where they apply the material.  
5 But do you remember where you  
6 obtained those containers?  
7 THE WITNESS: I think -- I'm not  
8 sure. I think they came from Mississippi,  
9 from airport and Clarksdale. I think that's  
10 where they came from.  
11 MR. SPURLIN: Okay.  
12 THE WITNESS: Now, this  
13 Asplundh, they are not on Summer. They in  
14 Olive Branch, Olive Branch.  
15 BY MR. HARBIN:  
16 Q. Did you deal with that company?  
17 A. Yeah, yes.  
18 Q. And --  
19 A. Have to get the address. That's  
20 Asplundh.  
21 Q. Okay. But you did deal with them?  
22 A. I did.  
23 Q. And you picked up?  
24 A. Picked up a lot of drums and they

144

1 Q. That should be on Exhibit 3 as well?  
2 A. Right, uh-huh.  
3 (An off-the-record discussion  
4 was held.)  
5 BY MR. HARBIN:  
6 Q. I pronounced it Asplundh. You  
7 pronounce it Asplundh.  
8 A. Asplundh.  
9 Q. Was that the same company we were  
10 talking about earlier, Asplundh and Asplundh?  
11 A. Uh-huh.  
12 Q. And they were a customer or client of  
13 American Drum?  
14 A. Right, yes, sir, uh-huh.  
15 Q. About how many drums would you pick  
16 up or would they supply American Drum?  
17 A. I guess in a year's time, we're  
18 talking about 3 or 400 drums.  
19 Q. Was that during the overall whole  
20 operation of American Drum?  
21 A. Yeah, uh-huh.  
22 Q. Did they bring them to the facility  
23 or did you pick them up?  
24 A. Both.

Exhibit D



Q. Was there a written contract?

A. No.

Q. Did they contain any materials?

A. No, sir. They very particular, they particular.

Q. What drums -- what size drums?

A. 30 gallon, plastic, 30-gallon plastic.

MS. RICHARDSON: I'm done.

MR. HARBIN: This is the conclusion --

MR. PARRISH: Whoa. I want to follow-up.

MR. HARBIN: Very good.

# EXAMINATION

BY MR. PARRISH:

Q. I have questions. I'm just going to be skipping around the points of clarification. I'm not starting a new thing.

Did you say fiber board from Newlywed Foods?

A. Fiber drum, yes, sir.

Q. Fiber drums?

A. Yes, sir.

147

Q. So you would get those into your facility, would you sell them?

A. Uh-huh, we sell them 2 or \$3 a piece, but a lot of people put dog food in them, put clothes in them, put in flour, what you call, flour.

Q. As far as what is on your facility on Walnut right now --

A. We got drum --

Q. Let me ask a preliminary question.

Since the EPA was there and took all of what they took off of the facility, from that time -- do you remember that time, when that happened?

A. Yes, sir.

Q. You said you lost all your customers. Now, since when did you lose all of your customers?

A. When the EPA started investigating me, they went to all my customers and told them they were investigating me and my customers told me they couldn't deal with me no more.

Q. Was that before EPA cleaned off the

Q. And what is a fiber drum?

A. Made out of cardboard.

Q. So does it look like a 55-gallon drum?

A. It is a 55-gallon drum made out of cardboard, not made out of steel or plastic, but made out of cardboard.

Q. And you recycle those?

A. No.

Q. So what did you do with them when you picked them up?

A. Well, people buy them to put concrete cleaner, they buy them for concrete cleaner. They buy them and put sawdust in them. A lot of people pack clothes in them because that fiber cardboard, you put something in them; you got a bag in them, all you got to do is pull the bag out.

Q. You don't store fluids in them?

A. Oh, no.

Q. And so you would pick those up?

A. Uh-huh.

Q. Would you pay for those?

A. No, sir.

148

facility or after?

A. During the same thing.

Q. And that was 2007?

A. Uh-huh.

Q. And so you are still running a business?

A. Uh-huh.

Q. I presume then you have customers of some kind?

A. Yeah, uh-huh.

Q. What do you -- do you sell and buy; buy and sell?

A. What we do, we mostly pick up drums, crush them for steel and sell drum for grinding up with plastic, you know, like right now what all's in the warehouse is plastic and then the guy's going to pick it up and take it to Jackson and we get something off that.

Q. You go to facilities that have drums?

A. Uh-huh.

Q. And you pick up drums?

A. Uh-huh.

Q. The drums that you pick up from

**Exhibit D**

1 facilities since what happened in 2007, do  
 2 they have any residue in them?  
 3 A. No.  
 4 Q. Are those cleaned drums?  
 5 A. Clean drums.  
 6 Q. And you bring them back to your  
 7 facility?  
 8 A. Uh-huh.  
 9 Q. Crush them?  
 10 A. Uh-huh.  
 11 Q. And sell them as you have just  
 12 stated?  
 13 A. Uh-huh.  
 14 Q. Do you pay for them when you pick  
 15 them up?  
 16 A. No.  
 17 Q. What causes you to go to a place to  
 18 pick up the drum?  
 19 A. Need work.  
 20 Q. Now you can talk to both of us at the  
 21 same time. So what -- do the facilities that  
 22 have drums call you and ask you to come to  
 23 them?  
 24 A. Uh-huh.

151

1 Q. Is that how you get there?  
 2 A. Yes, sir, that's how I get there.  
 3 Q. You're not just going from door to  
 4 door?  
 5 A. No, sir, I'm not.  
 6 Q. So some facility will say, I've got  
 7 some drums, you come and I'll give them to  
 8 you?  
 9 A. Right.  
 10 Q. And when do you check to see if they  
 11 are clean?  
 12 A. I ask them -- I say, Make sure that  
 13 they've been cleaned, I can't pick up a drum  
 14 with anything in it. And then when my guy  
 15 get there before they -- see, my guy will  
 16 lift and put it on the truck and they make  
 17 sure they are clean before they put them on  
 18 the truck.  
 19 Q. Now, that's part of your business.  
 20 A. Uh-huh.  
 21 Q. So you're selling them for scrap?  
 22 A. Scrap mostly.  
 23 Q. How much do you get for them?  
 24 A. We may get 3, \$400 for a truckload of

152

1 scrap. Also we got some plastic, we sell  
 2 them to people who put clothes in them and we  
 3 get 7, \$8 a drum.  
 4 Q. You pick up plastic?  
 5 A. Uh-huh.  
 6 Q. It's cleaned?  
 7 A. They clean.  
 8 Q. Same as you said for the others?  
 9 A. Uh-huh.  
 10 Q. And then you'll sell that one to  
 11 people who need it to store things?  
 12 A. To store stuff, whatever they want to  
 13 throw in it.  
 14 Q. That might just be citizens?  
 15 A. Dog food, clothes, whatever they  
 16 want.  
 17 Q. And then what are you doing with  
 18 pallets?  
 19 A. Okay. Pallet, we sell pallet for  
 20 people to put stuff on. We got a lot of  
 21 plastic pallet, we sell them for people to  
 22 grind up, this place in Jackson, we sell them  
 23 a lot to grind up.  
 24 Q. Where do you get the pallets?

1 A. Different companies.  
 2 Q. Do they call you?  
 3 A. They call me.  
 4 Q. They call you?  
 5 A. Uh-huh.  
 6 Q. How much do you pay for those  
 7 pallets?  
 8 A. Nothing.  
 9 Q. So you're just getting them off their  
 10 hands?  
 11 A. Yes.  
 12 Q. Bringing them back?  
 13 A. Bringing them back.  
 14 Q. Some of them you sell as containers?  
 15 A. Right. And some I sell for the  
 16 people to use to put bags or whatever they  
 17 going to put in them.  
 18 Q. All right. That's pallets. That's  
 19 drums. What else do you have there?  
 20 A. Tote tank.  
 21 Q. Tote tank?  
 22 A. Uh-huh.  
 23 Q. Same situation?  
 24 A. Yeah, uh-huh.

Exhibit D

1 Q. Is that the entirety of your business  
2 right now?  
3 A. That's the entirety of my business.  
4 Q. And has been since 2007?  
5 A. Since 2007, sure has.  
6 Q. So how would any residue -- how would  
7 any containers with residue get on to your  
8 facility?  
9 A. I don't know, unless somebody dropped  
10 them off.  
11 Q. Do you know of any that have been  
12 dropped off at your place?  
13 A. No. May have, but I don't know. I  
14 haven't found none, I'll put it that like  
15 that.  
16 Q. None of your employees have told you  
17 that they were dropped off?  
18 A. No, sir. No, sir.  
19 Q. You were asked -- you were asked a  
20 question that had in it that you had done a  
21 lot of business with crop dusters.  
22 A. Uh-huh.  
23 Q. Have you done any business with crop  
24 dusters, other than what you have related in

1 your testimony today?  
2 A. No, sir, I haven't.  
3 Q. So if that's a lot, that's how much  
4 you've done?  
5 A. Yeah, that's all I done.  
6 Q. You said about residue and CCL drums.  
7 A. Uh-huh.  
8 Q. If a CCL drum had residue in it, what  
9 would you do?  
10 A. I wouldn't take it.  
11 Q. You wouldn't take it?  
12 A. No.  
13 Q. So when you referred to residue and  
14 CCL drums, you were describing drums that you  
15 did not take ownership of?  
16 A. Right, uh-huh. And then we haven't  
17 took any since the -- in fact, I lost all my  
18 customers. I don't have CCL.  
19 Q. Let's go back now, I'm talking about  
20 CCL before 2007.  
21 A. Yeah, uh-huh.  
22 Q. If a CCL drum had residue in it --  
23 A. If I knew it, I wouldn't take it.  
24 Q. Did you pick up the CCL drums?

155

1 A. Yes, sir, before.  
2 Q. Now, just use CCL as an example, did  
3 you pay CCL for drums you picked up from  
4 them?  
5 A. No, sir.  
6 Q. So as far as all of these drums  
7 you've spoken of that you picked up, at any  
8 time since 2003, have you paid for drums?  
9 A. Yes, sir, I pay Smucker for some,  
10 Rich Foods.  
11 Q. Rich Foods?  
12 A. Uh-huh. Farrell Calhoun.  
13 Q. Farrell Calhoun.  
14 A. That be the only -- and the other  
15 company.  
16 Q. Asplundh?  
17 A. No, we don't pay them for nothing.  
18 (Indecipherable), you had them down.  
19 MR. HARBIN: Say that again.  
20 THE WITNESS: Kraft  
21 (Indecipherable).  
22 BY MR. HARBIN:  
23 Q. Nabisco Kraft?  
24 A. Nabisco, yeah.

156

1 Q. You paid them for drums?  
2 A. Right.  
3 Q. How much would you pay them for their  
4 drums?  
5 A. Two dollars a drum.  
6 Q. What would be the difference in  
7 whether you would pay somebody for their  
8 drums or you didn't pay somebody for their  
9 drums?  
10 A. Well, when you didn't pay for drums,  
11 they mostly big company that want to move  
12 them to keep the place clean. When you pay  
13 somebody for a drum, most of the guys keep  
14 them, they want to get money out and they  
15 want to keep the place clean, so they stack  
16 up; and what they do, the guy's who working  
17 there will look out for you and make sure  
18 that you pay him to get the drum.  
19 Q. So would you pay if they asked to be  
20 paid?  
21 A. Uh-huh.  
22 Q. And if they --  
23 A. If they didn't, I didn't pay them.  
24 Q. But you paid \$2

Exhibit D

1 A. Two dollar per drum.  
 2 Q. And would you sell the drums that you  
 3 picked up for the same amount, whether you  
 4 paid for them or not?  
 5 A. No.  
 6 Q. What determined what you sold the  
 7 drums for?  
 8 A. Depends on the shape of the drum.  
 9 Q. What shape demanded what price or  
 10 what do you mean by that?  
 11 A. Well, if a drum not bent or anything,  
 12 we could sell a drum anywhere from \$8 to \$9.  
 13 Same way with tote tank. But if a drum bent,  
 14 a lot of time people don't want them and we  
 15 let them go for \$5; and if it too bad,  
 16 crushing, it goes for scrap.  
 17 Q. There are three things you would do  
 18 with drums that you would pick up.  
 19 A. Uh-huh.  
 20 Q. One is you would sell it for \$8 to  
 21 \$9?  
 22 A. Uh-huh.  
 23 Q. You would sell it for \$5?  
 24 A. Uh-huh.

159

1 Q. Or you would crush it?  
 2 A. Right.  
 3 Q. And sell it for scrap?  
 4 A. Scrap.  
 5 Q. And the thing that determined whether  
 6 you got 8 to \$9 or \$5 or you crushed it was  
 7 whether it was dented or not?  
 8 A. The shape of the drum, yes, sir.  
 9 Q. Quantity-wise, if you can relate to  
 10 that, what percentage of your drums would you  
 11 sell for 8 to \$9?  
 12 A. Say about 80 percent of them.  
 13 Q. And then there's 20 percent left.  
 14 From that 20 percent, how many would you  
 15 crush and how many would you sell for \$5?  
 16 A. I would say we crushed about 10  
 17 percent of them, the rest.  
 18 Q. 50-50 of the remaining 20 percent?  
 19 A. (Witness nodded head up and down.)  
 20 Q. Do you have any recollection of what  
 21 the total revenue your company took in in  
 22 2006?  
 23 A. I got it somewhere on paper because I  
 24 file the tax. So I get it for you if you

160

1 need it.  
 2 Q. Yes, I would need it. Do you have  
 3 any way of estimating right now, do you know --  
 4 A. 2006, we did pretty good; I would say  
 5 about 200 and some thousand.  
 6 Q. So that's the range --  
 7 A. That's the range, uh-huh.  
 8 Q. -- in which you were operating.  
 9 Last year, what were your revenues?  
 10 A. Nothing. We lost -- we lost all our  
 11 saving. We lost everything.  
 12 Q. The Great Dane drums that you  
 13 referred to, I want to be sure I understood,  
 14 those were on the premises when you bought  
 15 the premises?  
 16 A. Yes, sir.  
 17 Q. Did you handle those drums at all?  
 18 A. No.  
 19 Q. From the time you purchased the  
 20 premises, what was the interaction you had  
 21 with those drums at all?  
 22 A. I don't remember none at all. We may  
 23 have moved them around, you know, but I don't  
 24 remember any at all.

1 Q. Were they sitting out?  
 2 A. Sitting out up on the shed and on the  
 3 trailer.  
 4 Q. And the gasoline -- let me rephrase  
 5 that.  
 6 The rags you used to clean the drums  
 7 with gasoline, how many times were those rags  
 8 used?  
 9 A. One time.  
 10 Q. And what kind of rags were they?  
 11 A. Just a towel, a towel.  
 12 Q. Were they scrap or did you buy rags?  
 13 A. We bought rags from the rag place,  
 14 the rag man, Blockman (phonetic) Rag Company.  
 15 Q. You use them one time?  
 16 A. Uh-huh.  
 17 Q. And then put them in a barrel?  
 18 A. Uh-huh.  
 19 Q. That's what you call disposing of  
 20 them?  
 21 A. Right.  
 22 Q. You put them in a barrel?  
 23 A. Uh-huh.  
 24 Q. And was this an open-end barrel?

Exhibit D

1 A. Where you pull the top and lock it  
2 down.  
3 Q. So you would put the rags in there.  
4 A. Uh-huh.  
5 Q. And lock down the barrel?  
6 A. Yes, sir.  
7 Q. And then when you put more rags in  
8 there, did you --  
9 A. Lock it off.  
10 Q. Did you take the top off and put the  
11 rag in there and lock it down?  
12 A. Uh-huh.  
13 Q. How many rags would it take to fill  
14 up a barrel?  
15 A. Quite a few. We buy them in 25-pound  
16 box, so I would say anywhere between five to  
17 six boxes to fill it up.  
18 Q. Why did you dispose of them in that  
19 way rather than some other way?  
20 A. Well, I didn't want them all over the  
21 place and I wanted them in one container, one  
22 place, you know, that we know where it was,  
23 what it was and disposed of.  
24 Q. And how many barrels of used rags did

1 you have in 2007?  
2 A. I don't know.  
3 Q. How long would it take you to  
4 accumulate a barrelful of rags?  
5 A. I would say anywhere from three to  
6 four months.  
7 Q. How many rags did you use to wipe  
8 down a barrel?  
9 A. Two or three rags, they be -- cut up  
10 in pieces, you know, like little small towel.  
11 Q. So every barrel that came in there  
12 and you painted the barrel, you used two to  
13 three rags?  
14 A. Uh-huh, to wipe it down.  
15 Q. And every time you wiped a barrel  
16 down, you put those rags in your disposal  
17 barrel?  
18 A. In the drum, yes, sir.  
19 Q. You used the word discover at one  
20 point, you said you did not discover them,  
21 and I think you were referring to drums that  
22 were left on the premises?  
23 A. Yes, sir.  
24 Q. Is it your testimony that those were

163

1 on your premises and you did not even know  
2 they were on your premises?  
3 A. Well, the one that was on the  
4 premises, I didn't know what was in them.  
5 Q. But you knew physically those drums  
6 were on that premises?  
7 A. They was on the premises.  
8 Q. So there weren't any drums that were  
9 hidden somewhere?  
10 A. Oh, no, no.  
11 Q. And so what did you mean when you say  
12 discovered? Did you mean discovered the  
13 contents?  
14 A. Yeah. What I mean, I didn't discover  
15 until the Memphis City Code Enforcement and  
16 Ms. Harding from the EPA came around.  
17 Q. And then you discovered the content?  
18 A. Right. That's when we started taking  
19 action. Once we discovered, we started  
20 taking actions.  
21 Q. You were asked about a chemical that  
22 was referred to as TEC (sic). Do you even  
23 know what TEC (sic) is?  
24 A. No.

164

1 Q. Do you know what TEC (sic) is used  
2 for?  
3 A. No, sir, I don't.  
4 Q. And until Mr. Spurlin said what the T  
5 and E and C stood for --  
6 A. I didn't know.  
7 MS. RICHARDSON: Larry, it's  
8 TCE.  
9 BY MR. PARRISH:  
10 Q. All right. TCE, everything I just  
11 said, TCE.  
12 So when did you discover that there  
13 was TCE on the premises?  
14 A. Today.  
15 Q. Today?  
16 A. Uh-huh.  
17 Q. So you don't really know whether it  
18 was there or not?  
19 A. No.  
20 Q. If it was there, was it there before  
21 you purchased the premises?  
22 A. It had to be, because I didn't know.  
23 Q. You were talking about when you owned  
24 the drums and when you had not owned the drums.

Exhibit D

1 A. Uh-huh.  
 2 Q. You just said when you picked the  
 3 drums up -- let me start this whole thing  
 4 over again.  
 5 When did you pay the \$2 for drums  
 6 that you paid \$2 for?  
 7 A. When we found out the drums was  
 8 exceptionally clean, we'd use them.  
 9 Q. So would you go to the facility and  
 10 bring them back to your facility --  
 11 A. Uh-huh.  
 12 Q. -- and inspect them?  
 13 A. Yes, sir.  
 14 Q. And if the drums were not clean, you  
 15 would not pay the \$2?  
 16 A. I wouldn't pay. I would give them  
 17 back to the people.  
 18 Q. You would physically take them back?  
 19 A. Yeah.  
 20 Q. Once you paid your \$2, you had  
 21 inspected them --  
 22 A. Right.  
 23 Q. -- and known them to be clean?  
 24 A. Right, yes, sir.

167

1 Q. You were asked about your,  
 2 quote-unquote, acceptance program.  
 3 A. Uh-huh.  
 4 Q. Did you have anything that you would  
 5 call a, quote-unquote, program for  
 6 acceptance?  
 7 A. No more than before accept them, make  
 8 sure that the drum was clean, the employees.  
 9 Q. You know what you did before you  
 10 accepted a drum and became its owner?  
 11 A. Uh-huh.  
 12 Q. Right?  
 13 A. Yes, sir.  
 14 Q. As far as that being a program, was  
 15 that ever written out and approved by  
 16 anybody?  
 17 A. No, sir, it wasn't.  
 18 Q. And you were asked whether your  
 19 acceptance program met EPA standards. Did  
 20 you even know there were EPA standards for  
 21 acceptance?  
 22 A. No, no more than I know EPA standard  
 23 was that all the drums that what you get in  
 24 supposed to be cleaned, I knew that, that's

168

1 the only thing I knew.  
 2 Q. All you knew about standards was, for  
 3 you to accept a drum, it had to be clean?  
 4 A. Clean, yeah.  
 5 Q. But you didn't take a written program  
 6 to EPA --  
 7 A. No.  
 8 Q. -- and ask if that is acceptable --  
 9 A. No.  
 10 Q. -- or approved?  
 11 A. No.  
 12 Q. Did any -- whether it was EPA or code  
 13 enforcement or the fire department or anybody  
 14 else, did anybody else approve a written plan  
 15 of acceptance?  
 16 A. The city and the state water  
 17 pollution, what is it, water permit, they the  
 18 only one that came in and told what to do,  
 19 how to do and told and sat there with him, we  
 20 had a guy come in from Nashville. EPA -- we  
 21 asked them what to do. They didn't know.  
 22 Q. When was that?  
 23 A. That was back about 2000, the guy  
 24 name was Gay -- I got a card -- we going

1 to -- we asked him -- now, the city led us  
 2 hand by hand, told us what to do, what not to  
 3 do. When we got to the EPA, they told us  
 4 they didn't know.  
 5 Q. This was Mr. Who?  
 6 A. Mr. Gay, I believe. I got a card.  
 7 Q. G-A-Y?  
 8 A. G-A-Y.  
 9 Q. G-A-Y?  
 10 A. I got a card.  
 11 Q. And he was from Nashville?  
 12 A. Uh-huh.  
 13 Q. And he came because you asked him to  
 14 come?  
 15 A. We asked him to come lead us what to  
 16 do.  
 17 Q. Now, the water people that you had  
 18 referenced to, that's city, you said?  
 19 A. City and county.  
 20 Q. City of Memphis, Memphis, Shelby  
 21 County?  
 22 A. Yeah, same.  
 23 Q. Health department?  
 24 A. Uh-huh.

Exhibit D

1 Q. Maybe?

2 A. Uh-huh.

3 Q. Now, you say they walked through it

4 with you step by step?

5 A. Step by step.

6 Q. Did that include what you're to do

7 before you accept?

8 A. Right.

9 Q. Okay. So this process of you looking

10 at the drums and making sure they are clean

11 before you took them in, the water pollution

12 people knew that's what you did?

13 A. What we did.

14 Q. And did they tell you that is

15 appropriate?

16 A. Appropriate -- way to do it.

17 Q. And then you said they walked you

18 through step by step?

19 A. Step by step.

20 Q. So everything you have said today in

21 answer to Mr. Harbin's questions about how

22 you operated step by step, the water

23 pollution people instructed you --

24 A. Right.

1 Q. -- that that's how you were to do it?

2 A. Right.

3 Q. Did you follow their instructions?

4 A. Yes, sir.

5 Q. Did they ever come back to check?

6 A. Sure did. Sure did.

7 Q. So how often did they come back?

8 A. About once every 90 days.

9 Q. And they would come back to check to

10 be sure that you were doing --

11 A. Doing what we said we would do.

12 Q. -- as they instructed?

13 A. Right.

14 Q. Now, this filtration system or

15 process that you described --

16 A. Uh-huh.

17 Q. -- did the water pollution people

18 know what you did by way of filtration?

19 A. Yes, sir.

20 Q. Did they inform you that the filter

21 or filtration process you were using was

22 acceptable?

23 A. Yes, sir.

24 Q. And did they tell you that the water

171

1 that was filtered in that process was clean

2 to go back into the sewer system?

3 A. Yes, sir.

4 Q. Was that their main problem?

5 A. Uh-huh. If they didn't, they

6 wouldn't okay the permit. We got an okay

7 permit.

8 Q. That's a sewer permit?

9 A. Sewer permit.

10 Q. And did the water pollution people

11 know what kind of filters you had that were

12 filtering out the solids?

13 A. Yes, sir, uh-huh.

14 Q. And did they tell you those were

15 acceptable filters?

16 A. Acceptable.

17 Q. And did the water pollution people

18 tell you what to do with the solids that were

19 filtered out?

20 A. Yes, sir.

21 Q. And did they tell you to put those

22 solids in a drum?

23 A. Drum, sure did.

24 Q. And when they came back to inspect,

172

1 did they know that you were putting those

2 solids in the drum?

3 A. Yes, sir.

4 Q. Did you have multiple drums that

5 contained this filtered material?

6 A. No, sir.

7 Q. How many drums did you have?

8 A. We get one drum about every six

9 months, four or five months. Like I say,

10 we're a small operation. We wasn't doing a

11 lot.

12 Q. And what would you do with those

13 drums when you filled them up?

14 A. We had them capped and set over in

15 the corner.

16 Q. Did the water pollution people ever

17 inform you that you had some obligation to do

18 something with those drums at any point,

19 other than sit them in the corner?

20 A. Oh, no. They told me I needed to get

21 a -- what you call it, the disposal,

22 whatever, like, I think at that time we

23 talking about, what the big -- I forget the

24 name of the company, BHE, something like that.

Exhibit D



1 Q. I didn't understand what you did.  
 2 A. They told me I need to get a  
 3 reputable company to come in and test, like  
 4 BFI.  
 5 Q. B --  
 6 A. BFI.  
 7 Q. BFI, that's the waste disposal  
 8 company?  
 9 A. Uh-huh.  
 10 Q. And you needed to get them to come in  
 11 and do what?  
 12 A. Test the drum so they'd know what to  
 13 do with it.  
 14 Q. Test the drum into which you were  
 15 putting the solids that were filtered out of  
 16 the water?  
 17 A. Uh-huh.  
 18 Q. And did they do that or --  
 19 A. No.  
 20 Q. You did not do that?  
 21 A. No, because they were sitting in the  
 22 corner and then when the EPA came in and they  
 23 moved all that themselves.  
 24 Q. So the EPA took those drums?

175

1 card and ask Gray to make sure.  
 2 Q. Well, did somebody tell you that that  
 3 was an adequate way to dispose of those rags?  
 4 A. Yes, sir.  
 5 Q. When I say somebody, I mean somebody  
 6 in official --  
 7 A. Knew what they were doing, official  
 8 position, yes, sir.  
 9 Q. Were you told that at some point you  
 10 would have to move the rags that had been  
 11 disposed of in those drums?  
 12 A. Yes, sir.  
 13 Q. And what were you told about that?  
 14 A. Told that I needed to get a reputable  
 15 person to move them and see where they needed  
 16 to go.  
 17 Q. A reputable person?  
 18 A. Like BFI.  
 19 Q. Like BFI?  
 20 A. Uh-huh.  
 21 Q. Did you ever ask BFI to come in and  
 22 take the drums?  
 23 A. We did. BFI never came -- I think it  
 24 may have been AllStar. They had several

1 A. Uh-huh, they took all of them.  
 2 Q. And for how long before the EPA took  
 3 those drums had you been told to get BFI or  
 4 some company to come in and tell you what to  
 5 do with those drums?  
 6 A. I guess about two or three year  
 7 because we didn't accumulate that much.  
 8 Q. Okay. And did the water pollution  
 9 people know that you were disposing of these  
 10 rags that you had used to wipe gasoline on;  
 11 did they know what you were doing with those  
 12 rags?  
 13 A. No, they never did. The only thing  
 14 they were concerned about is the sewer  
 15 system. They weren't concerned about nothing  
 16 else.  
 17 Q. As far as the decision to dispose of  
 18 those rags in the way that you were disposing  
 19 of them was concerned, who made that  
 20 decision?  
 21 A. I think the guy that came down from  
 22 Nashville.  
 23 Q. Mr. Gay?  
 24 A. I believe Mr. Gay. I have to get the

176

1 companies that do it. We asked them, but we  
 2 got -- in fact, I think we got quotes on  
 3 them.  
 4 Q. And did they ever take any of those  
 5 drums with those rags in them?  
 6 A. No, sir.  
 7 Q. And why not?  
 8 A. We didn't finalize the deal.  
 9 Q. So you had people like BFI and  
 10 AllStar and maybe others come in and quote  
 11 you a price?  
 12 A. Right.  
 13 Q. And before the EPA took those drums,  
 14 you had not made any deal?  
 15 A. No deal at all.  
 16 Q. Do you know how many of those drums  
 17 there were?  
 18 A. No, I don't. Not sure.  
 19 Q. You said something about A&L Labs?  
 20 A. They were testing the sewer water,  
 21 A&L Lab.  
 22 Q. They weren't having anything to do  
 23 with the rags?  
 24 A. Oh, no.

Exhibit D

1 Q. What's the difference, if any, in  
2 recycling and reconditioning? You've used  
3 both of those terms.  
4 A. Okay. Recycling and recondition the  
5 same thing. You recycle drum. You condition  
6 pallets.  
7 Q. So that would be a distinction,  
8 though?  
9 A. Uh-huh.  
10 Q. Now, you were doing pallet work all  
11 during the same time?  
12 A. Same time doing drum work.  
13 Q. And the pallets, how would you  
14 recondition a pallet?  
15 A. You bring in -- bring in 2, 300  
16 pallets, a board broken there, a board broken  
17 there, you just take -- pull the broken board  
18 off and put a new board on it, is how you do.  
19 Q. This is hammer and nail stuff?  
20 A. Hammer and nail.  
21 Q. And how much would you sell a pallet  
22 for?  
23 A. Anywhere between 4 and \$5.  
24 Q. And did you ever pay anybody for

179

1 and I have to get the order together. I may  
2 need 100 pallets, like the firecracker place  
3 on 61 called and they want 25 pallets and I  
4 got to go in and get 25 pallets and we'll  
5 take them in.  
6 Q. So these are customers that would  
7 call you?  
8 A. Uh-huh.  
9 Q. And what they would give you is an  
10 order for --  
11 A. To be filled.  
12 Q. And then what you would do is fill  
13 that order?  
14 A. Yes, sir.  
15 Q. And sometimes you would have it on  
16 the premises?  
17 A. Uh-huh.  
18 Q. And you would fill it?  
19 A. Right.  
20 Q. Sometimes you'd have go back --  
21 A. Right, right, go out and get it.  
22 Q. Somebody might want 100 pallets?  
23 A. Uh-huh.  
24 Q. And you had 50?

1 pallets?  
2 A. Very few. A dollar to a hustler  
3 bringing a pallet, a dollar, dollar and a  
4 half. And a lot of people -- a lot of  
5 companies will pick up pallets just to move  
6 them off the premises.  
7 Q. And you would recondition them as  
8 you've stated?  
9 A. Uh-huh.  
10 Q. And then to whom would you sell them?  
11 A. Oh, a lot of people. Different  
12 people like chemical companies, soap  
13 companies, glue company, paint company, you  
14 know.  
15 Q. But those pallets, there was nothing  
16 chemical about the reconditioning?  
17 A. No, no.  
18 Q. I think you referred to order in the  
19 sense of getting an order; do you recall  
20 that?  
21 A. Uh-huh.  
22 Q. What is "getting an order"?  
23 A. I mean when somebody need 50 drums,  
24 they may call us and say they have 50 drums

180

1 A. I had to go out and find another 50.  
2 Q. You also referred to a contract and  
3 get a contract. How is that different from  
4 an order?  
5 A. Well, a small company like me -- they  
6 only deal with big company with a contract.  
7 When you sign a contract, you tell a guy you  
8 going to give him 500 pallet a week, well, he  
9 can hold you accountable if you don't give  
10 him 500. If he lying down and you can't  
11 produce, he can hold your contract, but when  
12 you fill orders and they tell you they need  
13 50 drums or 50 pallets, you take them  
14 whenever you have an order complete.  
15 Q. Did you ever have any contracts?  
16 A. Never had any contracts. Too small  
17 for contracts.  
18 Q. You answered questions at the  
19 beginning that you were, quote-unquote,  
20 self-employed.  
21 A. Right.  
22 Q. You think of yourself as  
23 self-employed, do you not?  
24 A. Yes, sir.

**Exhibit D**

1 Q. But you've never operated as a sole  
2 proprietor?  
3 A. No.  
4 Q. You've always operated as an employee  
5 of a corporation that you own?  
6 A. Right, small business.  
7 Q. So in your mind, that's being  
8 self-employed?  
9 A. Self-employed, me it is, I do more  
10 work than anybody.  
11 Q. But you're no more self-employed than  
12 I am self-employed; I'm employed by Larry E.  
13 Parrish, PC.  
14 A. Uh-huh.  
15 Q. Now, your educational background and  
16 I'm finished. You said you had some training  
17 at a community college.  
18 A. Community college. That was in auto  
19 mechanics. See, when I went to school back  
20 in the '50s, late '40s and '50s, we went to  
21 school two or three months, but when cotton  
22 in the field, we didn't go. We went to pick  
23 cotton. We went to school from, let's say,  
24 from January to March, and then we had to

183

1 grades and different things like that.  
2 Q. It was a totally segregated school?  
3 A. Yeah. We had to walk a mile to  
4 school, a little church house, you know.  
5 Q. I think my daddy had to walk more and  
6 more miles the older he got.  
7 But that was your educational  
8 background?  
9 A. Educational background.  
10 Q. And at that time you were one of 13  
11 children, were you not?  
12 A. Yes, oldest boy.  
13 Q. And who was in the house that raised  
14 those 13 kids?  
15 A. My mom.  
16 Q. And you?  
17 A. Uh-huh.  
18 Q. You didn't have a daddy, did you?  
19 A. (No verbal response.) Sorry.  
20 Q. Who was the sole bread winner for  
21 those 13 kids?  
22 A. Me and my mom.  
23 Q. And when you say you went to a  
24 community college, where was that community

1 quit school in March and go chop cotton.  
2 They layoff on 4th of July until the cotton  
3 be ready to pick. Then we went to school  
4 from 4th of July until October. October we  
5 had to pick cotton and so everything we have  
6 secondhand.  
7 Q. You grew up in segregated  
8 Mississippi; is that correct?  
9 A. Sure did.  
10 Q. And when you said you went to school,  
11 you went to what kind of school?  
12 A. Little old church house school.  
13 Q. And how many students were there?  
14 A. 10 or 15, you may have five when I  
15 come along in our class when Emmett Till got  
16 killed in 1955, they built us a new school in  
17 '56; and when I graduated in '62 we had 25,  
18 30 kids graduate in the whole county.  
19 Q. How many teachers did you have?  
20 A. Something like five or six.  
21 Q. And did teachers teach lots of  
22 different grades?  
23 A. Yeah, different grades. In fact, you  
24 may have one teacher teaching four or five

184

1 college?  
2 A. Clarksdale, Mississippi.  
3 Q. Clarksdale?  
4 A. Yes.  
5 Q. Do you have a high school diploma?  
6 A. Uh-huh.  
7 Q. And the community college you went  
8 to, did you go to it right after high school?  
9 A. Right after high school.  
10 Q. Was it segregated?  
11 A. Yeah.  
12 Q. How long were you there?  
13 A. About a year, auto mechanic, I was on  
14 a plantation, I knew how to do work on  
15 tractors and trucks and combines at cotton  
16 picking time.  
17 Q. And after you got out of school, did  
18 you continue to be the only bread winner for  
19 those 13 -- 12 other kids?  
20 A. Yeah. In '65, moved to Memphis.  
21 Q. Moved to Memphis?  
22 A. Went back and got my mom and all the  
23 kids, about 18 or something in one house.  
24 Q. 18 of you in one house in Memphis?

Exhibit D

1 A. Uh-huh.  
 2 Q. In 1965?  
 3 A. Uh-huh.  
 4 Q. And can you read and write?  
 5 A. Not the best.  
 6 Q. To be in the businesses you have been  
 7 in, you've had to have somebody nearby, like  
 8 a Glover Gray?  
 9 A. Right.  
 10 Q. Without a person like that --  
 11 A. I couldn't make it.  
 12 Q. -- you can't do it?  
 13 A. No.  
 14 Q. You don't read well enough to do  
 15 that?  
 16 A. No, I don't.  
 17 Q. You don't write well enough to do  
 18 that?  
 19 A. Uh-huh.  
 20 Q. So what you're able to do, you do  
 21 orally?  
 22 A. Oral, right.  
 23 Q. You have cancer right now?  
 24 A. Uh-huh.

1 Q. Prostate cancer?  
 2 A. Yes, sir.  
 3 Q. You're wife has cancer right now?  
 4 A. She's diabetic and she had her  
 5 thyroid taken out.  
 6 Q. She's a nurse, right?  
 7 A. A nurse for 42 years.  
 8 Q. She's been a bread winner in your  
 9 house?  
 10 A. Uh-huh.  
 11 Q. But now she's sick?  
 12 A. She's sick.  
 13 Q. You have a brother that has just  
 14 contracted cancer and moved in with you,  
 15 right?  
 16 A. Yeah. My baby sister, yeah, and  
 17 brother, all of them, all of them sick except  
 18 me. My baby sister she -- been waiting for  
 19 the state, she got cancer, breast cancer; my  
 20 brother got a kidney went out on him; my  
 21 other brother had double pneumonia; my other  
 22 brother had high blood.  
 23 Q. You say all of them are sick but you?  
 24 A. Uh-huh.

187

1 Q. But now you have cancer?  
 2 A. Yeah.  
 3 Q. You've been taking care of your  
 4 brothers and sisters all their lives, have  
 5 you not?  
 6 A. Uh-huh.  
 7 Q. And you are a born-again Christian  
 8 man?  
 9 A. Right.  
 10 MR. PARRISH: I have no further  
 11 questions.  
 12 MR. HARBIN: I have just a few  
 13 more questions, Mr. Williams.  
 14 EXAMINATION  
 15 BY MR. HARBIN:  
 16 Q. I want to get back to American Drum  
 17 at 806 Walnut Street. Exhibit 1, just for  
 18 clarification, Exhibit 1, I think you said,  
 19 was completed by Mr. Gray?  
 20 A. Uh-huh.  
 21 Q. It says that drums for pickup or drop  
 22 off are inspected for compliance with EPA  
 23 standards.  
 24 A. Uh-huh.

188

1 Q. And just for clarification, do you  
 2 know what those standards are?  
 3 A. No. He knows.  
 4 Q. We've talked about empty drums  
 5 throughout this deposition. What constitutes  
 6 an empty drum?  
 7 A. I guess nothing in it, just, you  
 8 know, the way I see it.  
 9 Q. Would it have -- could it have been  
 10 wet with material or have material on the  
 11 wall of it or material in the bottom of it  
 12 and still constitute an empty drum?  
 13 A. Not to your-all's spec, I wouldn't.  
 14 Q. To your spec, would that constitute  
 15 an empty drum?  
 16 A. To my spec it would.  
 17 Q. So it could have material on the side  
 18 wall and in the bottom of it, but it would  
 19 still be an empty drum?  
 20 A. To my spec, it would be; you know  
 21 that's my knowledge.  
 22 Q. And your inspector was Mr. Wilkerson?  
 23 A. Uh-huh, James Wilkerson.  
 24 Q. So you would have accepted a drum

Exhibit D

1 that could have had material on the side wall  
2 and in the bottom of it as an empty drum?

3 A. I wouldn't, but I don't know what he  
4 did.

5 Q. And just for clarification, we may  
6 have asked this earlier, I'm not certain, but  
7 A&L Labs -- we talked about A&L Labs. Did  
8 A&L Labs test the filtration residue?

9 A. Uh-huh, as far as I know, yes, sir.  
10 We got some quote on them, you know, what  
11 they found, but I have to go through Gray to  
12 get that.

13 Q. We talked about hazardous waste at  
14 the facility. Do you know if any hazardous  
15 waste determination called a RCRA, R-C-R-A,  
16 RCRA hazardous waste determination was ever  
17 done on any of the materials that came into  
18 the American Drum facility?

19 A. No, sir, I don't know.

20 Q. You talked about Mr. Gay. Was  
21 that -- was Mr. Gay a state of Tennessee  
22 employee or --

23 A. I think so. I'm not for sure. Have  
24 to find the card, but he's the one got them

1 down from Nashville.

2 Q. He would not have been an EPA  
3 employee, he would have been a state  
4 employee?

5 A. State, yeah.

6 Q. I'm still trying to understand about  
7 the Great Dane and the Hoover trailer. The  
8 material in the trailer, correct me if I'm  
9 wrong, but that came from -- that was Great  
10 Dane material that was on the property, you  
11 say, was on the property before you-all  
12 purchased the property?

13 A. Yeah. Well, Great Dane drums, put it  
14 like that, Great Dane drums, had the name on  
15 it, I'll put it like that.

16 Q. And it was inside a trailer?

17 A. Yes, sir.

18 Q. That was marked Hoover on the side of  
19 it?

20 A. Uh-huh.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. And I understood you to tell  
24 Mr. Parrish that you-all moved that around

191

1 the facility a couple --

2 A. I said may have moved. I didn't know  
3 for sure. I didn't know what was in them,  
4 you know.

5 Q. Did you ever look in the trailer to  
6 see what was in there?

7 A. Yeah, the trailer, but the top was on  
8 the drum, I didn't know, you know, what was  
9 in them.

10 Q. Did you ever move them out of the  
11 trailer?

12 A. No, sir. I only moved mine when Mr.  
13 Steve told us what to do, and how to do it,  
14 we moved it then.

15 MS. RICHARDSON: The corporation  
16 now at 806 Walnut Street, who is the  
17 president?

18 THE WITNESS: My son quit. I  
19 guess I am now. You know, they left -- my  
20 daughter and him both left in '05 or '06,  
21 they all left. I'm the only one there now.  
22 They pursued better -- other job, I guess.

23 MR. PARRISH: President by  
24 default.

192

1 MR. SPURLIN: Just to clarify,  
2 currently, the operations you have do not  
3 include the refurbishing, hence the washing  
4 and painting and cleaning of the drums that  
5 you were previously doing?

6 THE WITNESS: No.

7 MR. SPURLIN: And --

8 THE WITNESS: We rinse out drum  
9 that come in from like Smucker Jelly, Rich  
10 Foods, they come in, we wipe them out, but  
11 they always be clean. We rinse them out.

12 MR. SPURLIN: So your discharge  
13 to the city sewer will continue and hence the  
14 requirements for the testing put upon you  
15 that I think A&L is probably doing for you.

16 THE WITNESS: Yes, sir.

17 MR. SPURLIN: Thank you.

18 BY MR. HARBIN:

19 Q. You understand, Mr. Williams, there's  
20 some items in this deposition, some  
21 information, some further information that  
22 you have indicated you would get to  
23 Mr. Parrish.

24 A. Yes, sir.

**Exhibit D**

MR. PARRISH: I don't know if it would be possible for the court reporter to scan through there and give me a list of those or we just have to wait for the transcript, but as soon as we get that -- I haven't been making notes myself.

MR. HARBIN: And I have not either.

THE COURT REPORTER: Order?

MS. RICHARDSON: Original and one.

(An off-the-record discussion was held.)

MR. HARBIN: This is the conclusion of Johnnie Williams' deposition with the right -- EPA reserves the right to call him to testify again.

(The deposition concluded at 1:30 p.m.)

## COURT REPORTER'S CERTIFICATE

STATE OF TENNESSEE:

COUNTY OF SHELBY:

I, MONNA J. MCCORMICK, RPR, CLR, CRR, Reporter and Notary Public, Shelby County, Tennessee, CERTIFY:

1. The foregoing deposition was taken before me at the time and place stated in the foregoing styled cause with the appearances as noted;

2. Being a Court Reporter, I then reported the deposition in Stenotype to the best of my skill and ability, and the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken;

3. I am not in the employ of and am not related to any of the parties or their counsel, and I have no interest in the matter involved.

WITNESS MY SIGNATURE, this, 31st day of August, 2010.

MONNA J. MCCORMICK, RPR, CLR, CRR  
Court Reporter  
Notary Public  
for the State of  
Tennessee at Large \*\*\*  
License No.: 161

My commission expires:  
November 2, 2013

195

## Deposition of Johnnie Williams

CHANGES AND SIGNATURE			
PAGE	LINE	CHANGE	REASON
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

196

## Deposition of Johnnie Williams

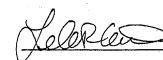
I, JOHNNIE WILLIAMS, have read the forgoing Deposition and hereby affix my signature that same is True and correct, except as noted above.

  
JOHNNIE WILLIAMS

THE STATE OF Tennessee )  
COUNTY OF Shelby )

Before me, Lela R. Canter, on this day personally appeared JOHNNIE WILLIAMS, known to me or proved to me on the oath of \_\_\_\_\_ or through \_\_\_\_\_ (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office on this 23rd day of September, 2010.



NOTARY PUBLIC IN AND FOR

THE STATE OF

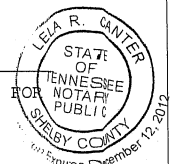
My Commission Expires: 12/12/2012

Exhibit D

Deposition Outline  
Johnnie Williams  
August 24, 2010

I. Personal Information

A. Name

1. Johnnie J. Williams (p.13, ln 23)

B. Address

1. 1863 South Wellington (p.14, ln 1)

C. Employment

1. Current

- a. Vice president and sales manager with **American Drum & Pallet, Inc** since 2003 (p.15, ln 4-14; p.16, ln, 8-12)
  - 1) Incorporated in Delaware (p.17, ln 11-15 & ln.20-23)
  - 2) Company recycled drums, pallets and tote tanks for sale.  
Cleaned metal and plastic fifty-five gallon drums and thirty gallon drums (p.24, ln 1-22)
  - 3) Operated on a business where reconditioned drums were ordered by clients during the July- August agricultural season (p.26, ln 16 – p.27, ln 6)
    - a) Sometimes operated under contract with other drum container companies that were short on drums (p.28, ln 3-5; p.29, ln 2-6) but these container companies never supplied JW with drums to be cleaned (p.29, ln 7-9)
- b. JW's responsibilities comprises of selling reconditioned drum and pellet (p.15, ln 20 – p.16, ln 3)
- c. JW describes himself as self-employed, but there are questions if he meets the definition of self-employment (p.14, ln.17-20; p.15, ln. 4-5; p.180, ln 18 – p.181 ln 14)
- d. JW does not read or write very well and depends on Grover Gray to help him in business (p.181 ln 19 – p.185, ln 22)
  - 1) Mr. Gray is the comptroller and handles all the paperwork (p.21, ln 20-21)
- e. Corporate officers included JW's son, Michael Williams, his daughter, Angela Williams, and Glover Gray (p.21, ln 17-18)
  - 1) Michael Williams was president of both companies but left in 2005 or 2006 for Haz/Mat work with Federal Express (p. 33, ln 13-15; p.34, ln 2-21)
    - a) Clarification on presidency of corporation @ 806 Walnut Street (p.191, ln 15-24)
  - 2) Angela Williams was the secretary for both companies but left in 2005 or 2006 for work at Internal Revenue Service (p.35 ln8-12, ln22- p.36 ln1)



f. JW, Michael Williams, Angela Williams. and Glover Gray all shareholders (p.21, ln 22 – p.22, ln 4)

2. **American Drum & Pallet Company, Inc.**

a. Separate company from above (p.16, ln.16-19)

1) Incorporated in Tennessee (p.16, ln 23 – p.17, ln 4; p.17, ln 16-19)

b. JW considers two companies the same (p.17 ln.16-22)

c. JW's title and responsibilities same at both companies (p.18, ln 3-8)

d. Corporate officers included JW's son, Michael Williams and his daughter, Angela Williams. (p.18, ln 11-19)

1) Michael Williams was president of both companies but left in 2005 or 2006 for Haz/Mat work with Federal Express (p 33, ln 13-15; p.34, ln 2-21)

2) Angela Williams was the secretary for both companies but left in 2005 or 2006 for work at Internal Revenue Service (p.35 ln8-12, ln 22- p.36 ln1)

3. JW was **NOT** employed by Drums, Incorporated,

a. Company owned by JW's nephew, George Stanford Roebuck

b. Company operated at 806 Walnut Street – the same address as American Drum & Pallet Company, Inc (p.22, ln 16 – p.23, ln 7)

4. The only two companies JW affiliated with at 806 Walnut Street are American Drum & Pallet Inc and American Drum & Pallet Company, Inc (p.32, ln 17-22)

D. Education

1. High school and a year of Coahoma Junior college in auto mechanics (Clarksdale, MS) (p.14, ln 9-13; p.181, ln 15-19)

2. Mr. Williams does not read or write very well. He depends on Glover Gray to help him in business (p. 181 ln. 19 – p. 185, ln. 22)

E. Family

1. Wife

a) Cancer, diabetic and thyroid removal ( p.186, ln 2-5)

b) Nurse and breadwinner (p.186, ln 6-10)

2. Brothers and sisters

a) Sick (p.186, ln 16-24)

b) Brother moved in with JW (p.186, ln 13-15)

F. Health

1. JW has prostate cancer (p.185, ln 23 – p.186, ln 2)

G. Religion

1. Christian (p.122 ln.1)

II. American Drum & Pallet, Inc. vs. American Drum & Pallet Company, Inc

- A. Same business with the same operation, hours, employees and location (p.29, ln 10-22; p.30 ln 3-4)
- B. Main employees for both companies (p.30, ln 13 – p.32, ln 4)
  - 1. James Wilkerson (supervisor)
  - 2. Leroy Smith (truck driver)
  - 3. Charles Wilkerson, (machine operator)
  - 4. Dorothy Williamson (machine operator & maintenance)
  - 5. Sylvester Wilkerson (manual labor)
  - 6. Sammy Flake (manual labor)
- C. When Mr. Harbin refers to American Drum & Pallet, he is speaking of both American Drum & Pallet Inc and American Drum & Pallet Company, Inc. He further clarifies that 806 Walnut Street includes reference to 0 Heiskell Place parcel to American Drum & Pallet facility (p36 ln 11-24)

### III. American Drum & Pallet facility

- A. Clarification on the scope of services provided by American Drum (p.37 ln7; p.38 ln 5)
  - 1. Companies that bought steel drums (p.54, ln 13– p.55, ln 17)
  - 2. Companies that bought plastic drums (p.55, ln 18– p.56, ln 7)
  - 3. American Drum and contracts (p.180 ln 2-17)
  - 4. On "getting an order" (p.178 ln 22 – p.180, ln 1)
  - 5. Reconditioning & selling pallets (p.177, ln 13 – p.178, ln 17)
- B. Definitions:
  - 1. Drum hustler (p.38, ln 21 – p.39, ln 21; p.140 ln 13-24)
  - 2. Drums and containers (p.48, ln 21– p.50, ln 9; p.51, ln 17– p.53, ln 5)
  - 3. Distinction between recycling and reconditioning (p.177 ln 1-9)
- C. Discussion on cleaning process of drums (p.38, ln 8-20; p.39, ln 22 – p.40, ln 1-2; p.41, ln 17-24; p.42, ln 19 – p.44 ln 6)
  - 1. Quantity of drums/ tote tanks cleaned (p.42, ln 14-18; p.50, ln 23 – p.51, ln 9)
  - 2. Drying process of drums (p.44, ln 10-16; p.46, ln 3 – p.47 ln 23)
- D. Drum acceptance/inspection program (p.40, ln 3-24; p.166, ln 1 – p.167, ln 21; p.66, ln 16 – p.69, ln 20; p.75, ln 3 – p.77, ln 3; p.78, ln11 – p.79, ln 7)
- E. Receptor tank (p.44, ln 23 – p.45, ln 3)
- F. Painting process of drums (p.48, ln 2-10)
  - 1. Disposal of gas rags (p.56, ln 15 – p.57, ln 11; p.97, ln 9-13; p.160, ln 6 – p.162, ln 18; p.174, ln 8 – p.176, ln 24)
- G. Grinding and crushing of drums and containers (p.53, ln 11– p.54, ln 12)
- H. Filtration system (p.57, ln 17 – p.61, ln 16)
  - 1. Disposal of filtration screen residue/waste (p.62, ln 3-7; p.63, ln 5-22; p. 74, ln 3-13; p.96, ln 6-20; p.97, ln 1-8; p.172, ln 4-15)
  - 2. Testing of filtration screen residue (p.63, ln 23 – p.65, ln 3)
    - a) A & L Labs tested filtration residue (p.189 ln 5-12)

I. Chemicals:

1. Used at facility (p.79, ln 15 – p.82, ln 1; p.83, ln9 – p.84, ln 9)
2. Used in facility prior American Drum ownership (p.87, ln 11 – p.89, ln 14)
3. Management (p.80, ln 6-20)
4. Storage (p.80, ln 21-24)
5. Trichloroethylene (TCE) (p.84, ln 10-23; p.85 ln 20 – p.87, ln 10; p.163, ln 21 – p.164, ln 21)
6. Paint, purchase and usage of (p.84, ln 24 – p.85, ln12 & p.85, ln1 4-19)

IV. Exhibit 1

- A. Document of response to the Tennessee Department of Environment & Conservation information request by American Drum & Pallet (p.71 ln 6-11; ln 22-23)
- B. Glover Gray submitted Exhibit 1 document (p.73, ln 6-10)
- C. Document states pickup or drop-off drums are inspected for compliance with EPA standards (p.74, ln 15 – p.75 ln 2)
  1. Establishing time of drum ownership (p.77, ln 4 – p.78, ln 12)
- D. Clarification on Exhibit 1 and definition of empty drum (p.187 ln 17 – p.189, ln 4)

V. Exhibit 2

- A. Information request (04.05.07) from Tennessee Department of Environment & Conservation (p.73 ln 11-16)

VI. Exhibit 3

- A. JW voluntarily provided Mr. Harbin and Ms. Richardson a letter dated August 17, 2010 (p.102, ln 18 –p.103, ln 12; p.104, ln 6-7)
- B. JW identifies document (p.104, ln 9-13)
- C. Customers that supplied American Drum with drums (p.102, ln 9 – p.103, ln 24)
  1. Rich Foods (p.104, ln 19 – p.106, ln 12)
  2. Smucker's Jelly (p.106, ln 13-19)
  3. CCL (p.106, ln 11-13; p.113, ln 12 – p.114, ln 8)
  4. Flying Tiger (p. 106, ln 13-19; p.119, ln 12 – p.121, ln 4; p.126, ln 2-11)
  5. Newlywed Foods (p.108, ln 4-23)
  6. Pepsi Cola Bottling (p.108, ln 24 – p.109, ln 9)
  7. Leonard's Recycling (p.109, ln 21 – p.110, ln 8)
  8. Precision Technology (p.110, ln 22 – p.111, ln 11)
  9. Hanco Manufacturing (p.111, ln 12 – p.112, ln 3)
  10. Jack Flint & Son (p.112, ln 4-10)
  11. Jackson Oil Company (p.112, ln 11-17)
  12. Kenny & Associates (p.112, ln 18 – p.113, ln 4)
  13. Chemical Specialty (p.113, ln 5-10; p.129, ln 17-23)
  14. Farris Calhoun Paints (p.114, ln 9-20)

15. Tri-State Agricultural (p.115, ln 15 – p.116 ln 2)
  16. Sweeney Airport & Sweeney Flying (p.116, ln 3 – 119 ln 7)
  17. Parker Hannisan (p.121, ln 6-22)
  18. Lincoln, Inc (p.121, ln 23 – p.122, ln 6)
  19. Yellow Freight (p.122 ln 7 – p.123, ln 6)
  20. Phoenix Zinc, Inc. (p.123, ln 7-22)
  21. Gromoor Company (p.123, ln 23 – p.124 ln 11)
  22. Piper Impack (p.124, ln 12 – p.125, ln 23)
  23. Kraft Foods Nabisco (p.129, ln 24 – p.131, ln 6)
  24. Hershey Chocolate, USA (p.131, ln 7 – p.132, ln 7)
  25. Dee's Oil Company (p.132, ln 11 – p.133, ln 6)
  26. Asplundh (p.142, ln 13 – p.145, ln 8)
- D. Discussion on Monsanto, Dupont, Asplundh, American Fireworks (p.126, ln 13 – p.129 ln 7; p.132, ln 9)

## VII. Exhibit 4

- A. Introduction of a photograph of Pepsi cola drums (p. 109, ln 10-19)

## VIII. Current Case

- A.EPA inspection/cleanup (p.95, ln 14-23; p.141, ln 16 – p.142, ln10)
1. Great Dane drums (p.97, ln 20 – p.100, ln 20)
    - a) Already on premise at the time of facility purchase (p.159, ln 12 – p.160 ln 3)
    - b) Clarification on placement of Great Dane drums (p.190 ln 13 – p. 191 ln 14)
  2. EPA and drum removal (p.173, ln 21 – p.174, ln 7)
- B. Methyl parathion and Flying Tiger (p.89, ln 11 – p.95, ln13)
- C. Pioneer Cabinet Company (p.100, ln 21 – p.101, ln 15)
- D. List of companies that bought drums from American drum (p.133, ln 8 – p.135 ln 19)
- E. American Drum and insurance coverage (p.135, ln 20 – p.137 ln 2)
- F. Current operational status on American Drum (p.137, ln 3-14; p.148, ln 11 – p. 153 ln 5)
1. Clarification on operations (p.192, ln 1-16)
- G. American Drum and hazardous waste (p.137, ln 15 – p.138, ln 12)
1. RCRA hazardous waste determination (p.189, ln 13-19)
- H. Fiber board/drum containers:
1. at facility (p.137, ln 13 – p.139, ln 22)
  2. description of (p.145, ln 20 – 147, ln 6)
- I. American Drum, EPA, and customers (p.147, ln 16 – p.148, ln 10)
- J. JW's testimony on placement of containers with residue (p.153, ln 6-18)
- K. JW's testimony on doing business with crop dusters (p.153, ln 19 – p.154, ln 5)
- L. JW's testimony on residue and CCL drums (p.154, ln 6 – p.155, ln 5)
- M. JW's testimony on paying for drums:
1. American Drum paid two dollars a drum to Smucker, Rich Foods, Farrell

Calhoun, and Nabisco Kraft (p.155, ln 6 – p.156, ln 5)

2. Difference in paying or not paying for drums (p.156, ln 6 – p.157, ln 1)

3. On selling drums (p.157, ln 2 – 158, ln 19)

4. Clarification on paying for drums (p.164, ln 5 – p.165 ln 24)

N. American Drum's total revenue for FY 2006 was in the range of \$200,000 but last year, had zero revenues (p.158 ln 20 – p.159, ln 11)

O. Discussion on drums left on premises with unknown contents (p.162, ln 19 – p. 163, ln 13)

P. City of Memphis water pollution and American Drum (p.168, ln 17 – p.173, ln 17)

1. In 2000, American Drum contacted a Mr. Gay in Nashville for assistance (p.167, ln 23 – p.168, ln 16)

a) Clarification if Mr. Gay was State of TN employee or EPA (p.189 ln 20 – p.190 ln 5)